UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, : 10-CR-0019(RJD)

-against- : United States Courthouse
: Brooklyn, New York

ABID NASEER, : Friday, February 20, 2015
: 9:30 a.m.

Defendant. :

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TRANSCRIPT OF CRIMINAL CAUSE FOR JURY TRIAL
BEFORE THE HONORABLE RAYMOND J. DEARIE
UNITED STATES SENIOR DISTRICT JUDGE, AND A JURY.

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Proceedings recorded by computerized stenography. Transcript produced by Computer-aided Transcription.

(In open court.)

COURTROOM DEPUTY: All rise. The United States District Court for the Eastern District of New York is now in session. The Honorable Raymond J. Dearie is now presiding.

(Honorable Raymond J. Dearie takes the bench.)

COURTROOM DEPUTY: Calling criminal cause for jury trial in Docket No. 10-CR-0019, *United States of America against Abid Naseer*.

Counsel, please note your appearances for the record.

MS. AHMAD: For the United States of America, Assistant United States Attorney Zainab Ahmad, Celia Cohen, and Michael Canty.

Good morning, Your Honor.

MR. NASEER: James E. Neuman legal advisor for Abid Naseer.

Good morning, Your Honor.

THE COURT: Good morning. Have a seat, everyone.

(Defendant enters the courtroom at 10:04 a.m.)

THE COURT: All right.

Good morning, everyone. We're taking advantage of the delay occasioned by the Long Island Railroad. By the way, do anticipate a start time of about 10:30. The juror's most responsible keeping in touch with us.

I thought we'd take advantage of the delay and address an issue that's outstanding prompted in part by the Government's letter to the Court of February 15th regarding documents that were apparently seized during the raid on the Bin-Laden compound which they seek to admit. Identified, more specifically, as -- well, let's have the evidentiary marking so that we have a precise record of it.

MS. AHMAD: Yes, Your Honor. The reference exhibit are in the 400 series of the government's exhibits.

THE COURT: Right.

MS. AHMAD: And with respect to just the documents that are being discussed today and which we refer to the Bates-stamped copies in our motion.

THE COURT: Right.

MS. AHMAD: Those are the English translations of the letters. So they are Government Exhibit 405.

THE COURT: Yes.

MS. AHMAD: Government Exhibit 421.

THE COURT: Yes.

MS. AHMAD: Government Exhibit 423.

THE COURT: Okay.

MS. AHMAD: 424. I am sorry, I meant 423 and then 425.

THE COURT: Not four.

MS. AHMAD: Not four. Four is the Arabic version of the letter.

THE COURT: Okay.

MS. AHMAD: Then 427, 429, 431 and 433.

THE COURT: 431 and 433. All right.

And earlier in the proceedings, I asked the general question of Mr. Naseer who advises that he would be objecting to the introduction of those documents. So let's put everything in context.

Mr. Naseer, the objection is on what basis?

MR. NASEER: Sir, these are documents which we just called those "Osama Bin-Laden media" which were acquired in seven sets. All the seven sets, which are English translation of the letters, all these letters relates to the month of June, July, August, and November 2010 and May 2011.

Now, I object to these documents on the grounds of hearsay. These documents are confusing and cumulative. In these documents, there's no specific mention of Manchester or United Kingdom in 2009 which is the action or activity alleged against the defendant.

Now, the only mention of British identity is the mention of a British-Algerian operative. There is no mention of Pakistani or the defendant's name in specifics. I believe these documents are inflammatory and irrelevant for the purpose of this trial and the prejudice of these documents will outweigh the relevance.

THE COURT: All right. Let me just ask you more pointedly. One of your objections is hearsay, meaning what, the documents themselves contain hearsay?

MR. NASEER: Yes, sir, that's correct.

THE COURT: Okay. All right. I'll turn that over to the Government.

MS. AHMAD: Your Honor, with respect to Government's Exhibit 405, that is the document we intend to introduce that we submit discusses the defendant, his co-conspirators, and their plan. The Bates number on it is from January 21, 2015, and it begins at No. 1. That document makes clear, it's written by Saleh al-Somali as the metadata on the document makes clear. Saleh al-Somali is known to the cooperators who testified in this case as Abdul Hafeez.

This document is written by Saleh al-Somali on April 16, 2009, and that is clear from the metadata on this document. Mr. al-Somali mentions we had sent a number of the brothers to Britain, and Russia, and Europe to prepared and ready work before the end of the year. Some of them were with us before, but they had left and come back to us and traveled again.

It's our contention that that reference is to the defendant and his co-conspirators, the individuals who had been sent by al-Qaeda to Britain, then returned to Pakistan for further training, and were dispatched again.

He further references the attack in Britain and describes it as they are considering a number of targets depending on what our brothers will determine can be suitable that can fit the materials they have available.

That, again, is corroborated by the e-mails in this case between the defendant and al-Qaeda where we submit he is codedly referring to the availability of various explosives materials as well as the reconnaissance photographs that we're seeking to introduce which show that the defendant and his co-conspirators considered a number of potential locations before settling on the Arndale Center.

Finally, as I mentioned this document was written by Saleh al-Somali on April 16th 2009. Mr. Al-Somali mentions that the brothers had not faced, meaning the British brothers, had not faced any security problems except what the news had broadcast a few days before, before the apprehension of a few British individuals.

It is our contention that this is a reference to the arrests of the defendant and his co-conspirators in Manchester on April 8, 2009.

This document, we submit, is not hearsay. First and foremost, because it is a co-conspirator statement. I think the testimony of the witnesses thus far has established that Saleh al-Somali is a co-conspirator of the defendant and the letter is written by him.

MR. NASEER: Sir, if I may add to this?

The lines that Ms. Ahmad mentioned, if I'm allowed to read out, it's a few lines if I can read out for the Court.

THE COURT: Go ahead.

MR. NASEER: The Exhibit 405, and it's paragraph number five, I think it says these were Russians hitting the gasoline of the U.S. Embassy and Britain. Several targets, the brother determines what suits him with what material he can get.

So this is a reference to a single individual he says. I repeat this, several targets the brother determines what suits him in what material he can get. So it's irrelevant to the conspiracy, first of all.

Secondly, as far as we know, the brothers did not face any security problems other than what was mentioned in the news a few days ago about the arrest he several individuals in Britain. We have not ascertained if these have any connection with us. So the writer of this letter is in doubt whether it is who individuals who were arrested in 2009 had any connection with the external operation of al-Qaeda.

THE COURT: Okay. Your adversary notes that the statements themselves, going to one of your objections, namely, hearsay are statements of a co-conspirator in furtherance of the co-conspirator the objectives of the conspiracy.

On the face of it, it appears that the statements themselves would qualify as statements of the co-conspirators and, therefore, be not hearsay by definition. And barring, assuming, some relevance would be otherwise admissible.

What's your reaction to that?

MR. NASEER: Sir, can I speak to Mr. Neuman?

THE COURT: Go ahead.

(A brief pause in the proceedings was held.)

MR. NASEER: Now, sir.

THE COURT: Bear with me just one second, Mr. Naseer.

(A brief pause in the proceedings was held.)

THE COURT: Okay, please.

MR. NASEER: Now, sir, the hearsay exception might apply as the Government mentioned but the point is that if the document in total is read line by line its relevance is not proved to the case.

Secondly, sir, as the Government mentioned that British nationals were arrested. The defendant is a Pakistani national and is very evident from the exhibit that the Government's provided about this Pakistani nationality and his student visa.

THE COURT: Were any of the others who were arrested British nationals?

MS. AHMAD: Yes, Your Honor.

One of the individuals who was arrested was a

British national but I don't see in this document a reference to British nationals.

THE COURT: That's why I've just pulled it out.

MS. AHMAD: On 405, in the paragraph that -- the second paragraph labeled one. It says: We had sent a number of brothers to Britain and Russia. We have confidence in them. And these were Russia hitting a gas line near the U.S. Embassy; or Britain, several targets, the brothers determines what suits in with what materials we can get.

As far as we know, the brothers did not face any security problems other than what was mentioned on the news a day few days ago about the arrest of several individuals in Britain. Again, there is no reference to the citizenship of the members of the British cell.

THE COURT: Is there any other objection other than to the basis?

MR. NASEER: Sir, can we be informed of who's this letter being sent to?

THE COURT: Your guess is as good as mine.

MS. AHMAD: Osama Bin-Laden, your Honor.

As the Government will establish, the letter was recovered from a micro SD card that was delivered to a base in Afghanistan at the same time as Osama Bin-Laden's body along with other media that makes extensive reference to Mr. Bin-Laden and the activities of al-Qaeda.

MR. NASEER: So last point, sir, if the British national she mentioned that one of the individuals who were arrested in 2009 was a British national. In 2009, on the 22nd of April, this individual is released from police custody and no further charges 'till now have been brought against this British individual.

THE COURT: I note that. I'm not entirely sure that that is germane to our discussion here this morning. I think what we have here is a the principal objection is, as I appreciate it or understand it, is one of relevance.

A consistent objection you've made along the way, entirely in keeping with the nature of the defense, that you've established or attempted to establish with some success.

But the difference, what I'm talking about here, is admissibility not the weight or significance that one may attach to a particular document. You may fairly argue certain a certain interpretation of the document. The Government will argue its interpretation of the document. The jury will be called upon to reconcile documents, by the way, to the extent they find it significant, the more I read these documents, the less significant I find them although.

Although I understand the element of proof that the Government has identified it's hardly as you said before inflammatory. They're hardly inflammatory and I don't see a valid relevance argument here. You may have a fine argument about the weight, if any, the jury should attach to this. But it seems to me, on the face of it, it bears relevance for a number of reasons, not the least of which it is the nature of the document itself, to whom it was sent, what is discussed.

The allusions, whether they are accurate or not, to activities outside of their area in Europe and elsewhere that is consistent with some of the testimony we've heard regarding the scope and focus of the activities of the various cells in this conspiracy.

So I think what we have here is a division between admissibility and weight and for my view, having read these documents now a number of times, I certainly don't see a §403 objection at all and I do see the Government's relevance. Whether the jury accepts it as such is for them as fact finder to determine and you're at liberty to argue what you've essentially just argued to me and that is that these documents have no bearing on the alleged ago at this time the of you and your colleagues or for that matter Mr. Zazi and his.

That's my view of it, and in light of those stated objections, I overrule the objections and will receive the documents.

We'll resume in ten minutes.

MR. NEUMAN: Your Honor, I think Mr. Naseer has a few other matters that he wants to put on the record before the jury comes out.

THE COURT: Well, let's do that now, sure.

MR. NASEER: Sir, for the past few days during the trial, if Mr. Canty -- I request the Court if Mr. Canty cannot be allowed to lead or summarize the questions or the answers for the.

THE COURT: I think your point is well taken. Mr. Canty.

MR. CANTY: Yes, Your Honor.

THE COURT: You have a tendency, and I understand why you do it, but I want you to cut it down.

MR. CANTY: Yes, Your Honor.

THE COURT: Every question does not summarize the prior three questions and answers, okay?

MR. CANTY: Yes, Your Honor.

THE COURT: Let's move it long.

MR. CANTY: Yes, Your Honor.

THE COURT: Point well taken. Go ahead.

MR. NASEER: Also, sir, the Government intends to call Mike Selby who forensically examined the defendant's phone which is Nokia 6500.

Now, if they try to introduce the exhibits or the media from that phone, I will have an objection to that in terms of on grounds of completeness because on the exhibit list the Government has only listed few media files that they will try to introduce. When they were more than the files that had been listed on that phone.

THE COURT: Well, that doesn't make out a completeness argument as we have had occasion to discuss previously. If what they seek to introduce coming from your phone is in some way distorted, okay, or substantively incomplete so that it is misleading, then I may agree with you, okay? But the mere fact that they choose to introduce some of the material and not others is not a violation of the Rule of Completeness.

MS. AHMAD: Your Honor, the entire phone is in evidence and the defendant has had a copy of it in discovery for some time.

THE COURT: You mean the entire phone and its contents.

MS. AHMAD: And its contents, they were admitted by Officer Meats earlier this week and, therefore, the phone is free to introduce anything from it that he may seek to --

THE COURT: Fair enough.

MS. AHMAD: The phone is, your Honor, I believe Exhibit 300.

THE COURT: Okay, fair enough, but it doesn't precisely address Mr. Naseer's complaint or potential objection. He has the right at the time you introduced something to introduce other portions of that if they tell the fuller story and put things in more accurate context.

MS. AHMAD: That's true, your Honor.

MR. NASEER: Sir, for the last metadata that you ruled on, sir, the documents which are Osama Bin-Laden media, sir, one additional point is that all of these documents are repetitive, sir, to what's been mentioned in these document is very cumulative in nature.

THE COURT: Well, I really don't think so.

MR. NASEER: And in terms of inflammatory, sir, it doesn't include, and these documents don't mention of a nature of plots or active plots that are happening around the world which is bound to inflame the feelings of the jury, sir.

THE COURT: I couldn't hear the tail end of what you said, sir.

MR. NASEER: Bound to inflame, sir.

MS. AHMAD: He says bound to inflame the --

THE COURT: Bound to inflame.

MS. AHMAD: The passions of the jury.

THE COURT: It's hard to, in a case of this sort, given all we've heard and all we know, it's hard to find evidence that's going to inflame beyond what is obvious and beyond what is given. But I -- I must say, having read them, I just don't agree with you but go ahead.

MR. NASEER: Sir, that's it.

THE COURT: I don't want to rush you. I'm not rushing you.

MR. NASEER: Nothing further.

THE COURT: All right. We do anticipate a 10:30 start. Take a few minutes to relax and I'll be back as soon as the juror has arrived.

(A recess in the proceedings was taken.)

(Witness takes the witness stand.)

IAN WHITE,

called as a witness, having been previously duly sworn, was examined and testified as follows:

(A brief pause in the proceedings was held.)

THE COURT: Good morning, again, folks.

(A brief pause in the proceedings was held.)

COURTROOM DEPUTY: All rise.

(Jury enters courtroom at 10:32 a.m.)

THE COURT: Good morning, ladies and gentlemen, please be seated.

I know one of you deserves a gold star and I appreciate the efforts notwithstanding our favorite railroad and I'm glad to have everybody back on this frigid day.

Mr. Canty, your witness.

MR. CANTY: Thank you, your Honor.

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DIRECT EXAMINATION
BY MR. CANTY:
Q Officer White yesterday you testified that you conducted a search at 493 Cheetham Hill Road.
When you retrieved evidence from that location, did you indicate that by using your initials?
A That's correct, yes.
Q On the evening of April 4trh, were there any computers taken from the internet café at 493 Cheetham Hill Road?
A Yes, I believe two were taken, yes.
Q And how did you indicate those two items?
A I received ICW-1 and ICW-2.
Q On the following day, were additional computers taken?
A Yes, that's correct.
Q I would like you to take a look at Government Exhibit 209 in evidence.
Do you recognize at that sketch?
A Yes, that's the floor plan of the Cybernet Café.
Q Do you recall specifically where you took ICW-1?
A Yes, that was from the counter.
Q Okay.
Can you just point to that on the screen, please.
And do you recall where you took ICW-2 from?
A I think this was Workstation 9, if I remember correctly.
Q Okay.

THE COURT: No. 9, did you say?

THE WITNESS: I think so, your Honor, yes.

Q Can you indicate where Workstation No. 9 is on this document?

A (Indicating).

Q Now, with respect to the other computers that were taken from the internet café what date did that happen?

A That was the following day on the 9th.

Q Now, did you record specifically where certain ICW items were taken with respect to the computers in the Internet café on a log?

A Yes, I did. Yes.

Q If I asked you right now do you have an independent recollection as to where ICW-5 was taken from?

A No, I don't remember without looking in my book.

Q If I showed you your book, would that refresh your recollection?

A It will say on there which workstation the computer was taken from.

MR. CANTY: Your Honor, may I show Government Exhibit 3500-ICW-3 to the witness?

THE COURT: I?

MR. CANTY: ICW-3.

THE COURT: Go ahead.

(Approaching the witness.)

(Handing to the witness.)

THE WITNESS: (Nodding). ICW-5.

Q Yes. Does that refresh your recollection after looking at that document as to the location that ICW-5 was taken on April 9, 2009?

A Yes, it does. It was Workstation 4.

Q Can you indicate that on this document?

A (Indicating).

MR. CANTY: Your Honor, I ask the record to reflect that the witness has indicated Workstation 4 on Government Exhibit 209.

Q With respect to Exhibit ICW-6. Do you recall where that was taken from?

A Yes, that one was from Workstation 5.

Q Can you indicate Workstation 5?

A (Indicating).

MR. CANTY: Let the record reflect that the that the witness has identified Workstation 5.

Q What about ICW-8?

A Yes, it's from Workstation 7.

Q Can you indicate that on this document?

A Yes. (Indicating).

Q Indicating workstation 7. What about ICW-9?

A That's Workstation 8.

Q Can you indicate that?

A (Indicating).
Q Let the record reflect that the witness has identified Workstation 8.
And what about I --
THE COURT: Just a second. That was for ICW?
A Nine.
THE COURT: Thank you.
Q And ICW-10?
A That was from Workstation 10.
Q And let the record reflect the witness has identified Workstation 10 on Government Exhibit 209.
MR. CANTY: May I have the overhead projector, please?
COURTROOM DEPUTY: Certainly.
MR. CANTY: For the witness only.
COURTROOM DEPUTY: Witness only.
Q Sir, I'd like you to take a look at Government Exhibit 250, 250.1, and 250.2.
Do you recognize what's been marked as Government Exhibit 250, 250.1?
A I do.
Q And 250.2?
A Yes.
Q Do these pictures fairly and accurately represent the evidence tag and the computer in the evidence bag and the

computer you seized that you labeled ICW-1?
A I do, yes.

MR. CANTY: Your Honor, I ask what's been marked as Government Exhibit 250, 250.1, and 250.2 be moved into evidence.

THE COURT: Any objection?

MR. NASEER: Yes, sir.

THE COURT: They are -- objections are on the grounds of relevance?

MR. NASEER: That's correct, sir.

THE COURT: All right. The objections are overruled.

250, 250.1, 250.2 now in evidence.

(Government's Exhibits 250, 250.1, and 250.2 were received in evidence as of this date.)

Q Now, I'd like to show you Government Exhibit 251, 251.01, and 251, ICW-2, ICW-5, ICW-6, ICW-8, and ICW-9, and ICW-10. They each contain a photograph of a property invoice and pictures of the computer.

MR. CANTY: May I present those to the witness to see any recognizes them.

THE COURT: Go ahead.

(A brief pause in the proceedings was held.)

(Approaching the witness.)

(Handing to the witness.)

THE WITNESS: Thank you.

EXAMINATION

BY MR. CANTY:

Q Officer, do the pictures that you see before you fairly and accurately represent the cover sheet information and computers that you seized identified as ICW-2, ICW-5, ICW-6, ICW-8, ICW-9, and ICW-10?

A Yes, they do.

MR. CANTY: I ask that they be moved into evidence. Any objection.

MR. NASEER: Yes, sir.

THE COURT: Overruled. They are received.

(Government's Exhibits ICW-2, ICW-5, ICW-6, ICW-8, ICW-9, and ICW-10 were received in evidence as of this date.)

MR. CANTY: Your Honor, may I publish these to the jury?

THE COURT: Yes, but let's do it quickly.

MR. CANTY: Yes. Starting with ICW-2, which is 250, 250.01, and 250.02. ICW-1, which is 250.01, and 250.02.

THE COURT: Fair to say that these are pretty much identical to one another.

MR. CANTY: Yes, your Honor.

THE COURT: I think we can dispense with it. They're in evidence and available to you and the jury.

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MR. CANTY: Yes, Your Honor.

EXAMINATION

BY MR. CANTY:

Q Now, Officer, I'd like you to take a look at Government Exhibit 257.

MR. CANTY: Your Honor, for the sake of expediency, may I present these photographs to the witness? These are photos of items that were photographed in the Internet café.

THE COURT: Expediency sounds like a good idea.

(Approaching the witness.)

(Handing to the witness.)

(A brief pause in the proceedings was held.)

THE COURT: Okay. I think we're ready, Mr. Canty.

EXAMINATION

BY MR. CANTY:

Q Officer, do those pictures fairly and accurately represent items that you observed and seized at the Internet café?

A Yes, that's correct.

Q All right.

MR. CANTY: Your Honor, I'd ask what's been marked as Government Exhibits 257, 258, 259, 260, 261, 262, 263, 264, 265, be moved into evidence.

THE COURT: May I see them?

(Handing to the Court.)

THE COURT: And is there an objection?

MR. NASEER: Yes, sir.

THE COURT: To all?

MR. NASEER: To all. Yes, sir.

THE COURT: On grounds of relevance?

MR. NASEER: Yes, sir.

THE COURT: Objection is overruled. They are received.

(Government's Exhibits 257, 258, 259, 260, 261, 262, 263, 264, 265 were received in evidence as of this date.)

MR. CANTY: May I have the overhead projector, please?

EXAMINATION

BY MR. CANTY:

Q Looking at Government Exhibit 257, can you just describe to the jury what we're looking at here?

A Some piece the of paper which bears the name Tariq and an address in London.

Q Looking at 259?

A That was the same, again, some torn-up pieces of paper with the name Tariq and the address in London.

Q What are we looking at in 260?

A Possibly a car registration or postal code down in London.

Q Looking at 261?
A Again a torn piece of paper and the name Tariq Ur.
Q That's ripped?
A Yes.
Q This is 262 in evidence what are relooking at here?
A That's a torn up Lloyds TSB banking document in the name of Mr. T.U. Rehman at 36 Shirley Road, Manchester, M80 ND.
Q 263?
A I'm not a hundred percent sure what that is. I don't have an exhibit reference to that. I'll check my notes.
Q Can you just read what it says on the exhibit?
A It says, is it dawer1209.
Q Government Exhibit 264. What are we looking at there?
A That's a part of the table where I assume the repairs are done, the refreshment fridge, and the counter.
Q And 265?
A The back of the café was a storeroom and there was a lot of junk that was thrown in the back there.
Q I would like to show you Government Exhibit 3500-ICW-2 which is in evidence, which is the exhibit list for the Cybernet Café.

Directing your attention to Page 4, can you please read let me zoom in for you the property number X-1717?
A That's ICW-85 which is correspondence addressed to Tariq Rehman, 32 Shirley Road, Manchester addressed 80 ND.

Q Can you read X-1733's property number?
A ICW-26 which is a business card of the Quar'an property.
Q Property number W-1746, ICW-29, which is a ripped up legal document in the name of Tariq Ur Rehman.
Can you please read property number X-2106?
A That's Exhibit ICW-130, copy of U.K. Border Agency letter to Tariq Ur Rehman.
Q And property number X-2110?
A ICW-132, which is a document addressed to Zara Khan, Cybernet Café.
Q Can you please read property number X-2633?
A That's exhibit ICW-177 which is two plastic cards in the name of Z. Kahn.
Q Was that Z?
A Z, zed.
Q That's how you pronounce it in England?
A Yes.
Q The next page, Government Exhibit X-2645?
A That's a bit blurred.
Q Can you read that now?
A Yes.
Q X-2645?
A That's Exhibit 180 which is an N Power card in the name of T. Rehman.
Q Following property X-2649?

A That's exhibit ICW-181, a Lloyds TSB correspondence in the name of Mr. T.U. Rehman.

MR. CANTY: Your Honor, I have no further questions for the witness.

THE COURT: All right, sir. Mr. Naseer, all yours. When you're ready.

CROSS-EXAMINATION

BY MR. NASEER:

Q Good morning, Mr. White.

A Good morning.

Q Can you please tell us about your work with the Greater Manchester Police?

A I have worked there for 20 years. Started off as a uniformed officer on the streets; became a tutor constable looking after new recruits; worked in the drug squad for a number of years; and then to the Northwest Counterterrorism Unit as an exhibits officer.

Q And was your responsibility when you arrive at a scene?

A My responsibility is to make sure that the scene is sterile and to seize exhibits in line with the Forensics Strategy.

Q Can I show the witness an exhibit which is marked 250 in evidence.

Mr. White, can you see the exhibit which is marked 250 on your screen?

A Yes, I can. Yes.
Q What is this exhibit?
A That's a tamper proof evidence bag that we placed a Dell tower PC.
Q Can I show the witness Exhibit No. 250.01, please.
Can you see the Exhibit 250.01 on your screen, Mr. White?
A Yes.
Q Do you know who this tower, Dell computer belongs to?
A No, I don't know.
Q Can I show the witness Exhibit 250.02, please.
Mr. White, can you see the Exhibit 250.02 on the screen?
A Yes, I can, yes.
Q And what is this exhibit?
A That's a rear shot of the same computer tower.
Q Can I move on to the next exhibit which is 251.
Mr. White, can you see the Exhibit 251 on your screen?
A No, it's gone off.
Q Can you see Exhibit 251 on the screen?
A Yes.
Q What is this exhibit?
A That's a Dell tower PC from Workstation 9.
Q Can I move on to the next exhibit which is 521.01.

Mr. White, did you see the exhibit which is marked 521.01 on your screen?
A Yes.
Q And what is this exhibit?
A That's a Dell tower computer tower.
Q Do you know to whom this belongs to?
A I don't know.
Q Can I move on to the next exhibit, please, which is marked 252, please?
Mr. White, can you see Exhibit 252 on your screen?
A Yes.
Q And is that the same tamper proof bag that you attached to a Dell computer tower computer?
A Yes.
Q Can I go on to the next exhibit which is 252.01.
Mr. White, can you see the exhibit which is marked as 252.01 on your screen?
A I can, yes.
Q Do you have any knowledge of who this belongs to this exhibit?
A I don't know, no.
Q Can I move on to the next exhibit which is marked as 252.03.
MR. CANTY: Your Honor, this is exhibit is not in evidence.

THE COURT: 250 point?

MR. CANTY: 03. I have no objection to it going in but it was not admitted by the Government.

THE COURT: Do you want to offer that document, Mr. Naseer?

MR. NASEER: I would like to ask the Court to allow this item into evidence.

THE COURT: 250.03.

MR. NASEER: That's correct, sir.

THE COURT: Now --

MR. CANTY: No objection.

THE COURT: Now in evidence.

(Defendant's Exhibit Government Exhibit 250.03 was marked in evidence as of this date.)

Q Mr. White, can you see exhibit which is marked 252.03 which is in evidence?

A Yes, I can.

Q Do you recognize this exhibit?

A It's from the previous one. That's a side shot with the side taken off.

THE COURT: I'm sorry to interrupt you. I want to make sure we have this right. The document that was just admitted bears what marking?

MR. NASEER: 252.03.

THE COURT: 252.03.

MR. NASEER: That's correct.

THE COURT: In evidence. Sorry for the interruption.

Go ahead.

Q Mr. White, do you have any knowledge of to whom this tower, Dell computer, belongs to?

A No.

Q Can I move on to the next exhibit which is marked as 252.05?

MR. CANTY: Again, your Honor, this is not in evidence but the Government has no objection if the defendant wishes to offer it into evidence.

THE COURT: Are you offering that, Mr. Naseer?

MR. NASEER: No, sir.

THE COURT: No. Okay. Then move on.

MR. NASEER: Can we move on to the exhibit which is marked as 253?

Q Mr. White, can you see the exhibit marked as 253?

A Yes, I can.

Q What is this exhibit?

A That's ICW-6.

Q And can you describe the exhibit for us?

A One second. The Dell tower PC from Workstation 5.

Q Now, you said it's a Dell computer from Workstation 5. Do you know who this Dell computer from Workstation 5 belongs

to?
A No, I don't.
Q Can I move on to the next exhibit which is marked as 253.01.
Mr. White, can you see the item on the screen which is marked as 253.01?
A Yes.
Q Is that the Dell computer we just talked about?
A I believe so.
Q And you have no knowledge who this computer belongs to?
A I don't know any of them among to they were just in the shop. I don't know the owner.
THE COURT: Did you take all the computers in the shop?
THE WITNESS: We did.
MR. NASEER: Can I move on to the exhibit which is marked as 254.01.
Q Mr. White, can you see the exhibit which is marked as 254.01 on your screen?
A I can, yes.
Q Do you recognize this exhibit?
A It would have to do with the photograph we saw before. We identified it as ICW-2.
Q Do you know who this Dell tower computer belongs to?
A No.

Q Can I move on to the exhibit which is marked as 255.

Mr. White, can you see the exhibit which is marked as 255 on your screen?

A Yes.

Q Can you tell us about this exhibit?

A That's ICW-9 which is a Dell tower PC from Workstation 8.

Q And do you have any knowledge who this computer belongs it?

A I don't know.

Q Can we move on to the exhibit which is marked as 256?

THE COURT: Maybe I'm crazy, but these exhibits are not in evidence, are they? 255 and 256.

MR. CANTY: Yes, Your Honor.

THE COURT: They are in evidence.

MR. CANTY: Yes.

THE COURT: All right. Very well, the record will confirm that.

Sorry to interrupt, Mr. Naseer. Go ahead.

MR. NASEER: Thank you.

Q Mr. White, can you see the exhibit which is market as 256 on your screen?

A Yes.

Q And can you tell us about this exhibit?

A That's Dell tower PC which is from Workstation 10.

Q Can we move on to the exhibit which is marked as 256.01.

Mr. White, can you see the exhibit which is marked as 256.01 on your screen?
A Yes, I can.
Q And is it the Dell tower computer that you just referred to?
A I believe so.

(Continued on the next page.)

BY MR. NASEER:
Q Do you have any knowledge who this computer belongs to?
A No, I don't know.

Q Now, can we go on to the exhibit which is marked as 257?
MR. CANTY: Your Honor, the Government did not offer Government Exhibit 257.
THE COURT: 257?
MR. CANTY: I apologize, 257, we did offer. That's correct. These are the photographs.
THE COURT: Go ahead, Mr. Naseer.
BY MR. NASEER:
Q Can I just -- Mr. White, can you see the exhibit that's marked as 257 on your screen? (Exhibit published.)
A Yes, I can. Yes.
Q And can you tell us to whom this document belongs to?
A I can't, no. It was in the shop.
Q Can you read out the name that is shown on that torn-up piece of paper?
A Tariq Ur.
Q Is that the defendant's name?
A No.
Q Going on to exhibit -- this is marked as 258, please. (Exhibit published.)
Mr. White, can you see the items marked at on your

screen?
A I can, yes.
Q Can you read out any names that are written on the torn piece of paper on the screen?
A Yes. Two names, Raymond Tariq and it's Kondi, K-O-N-D-I.
Q Do any of the names relate to the defendant?
A No.
Q Let me move on to the next exhibit, which is 259.
(Exhibit published.)
Mr. White, can you see that exhibit that's marked as 259 on your screen?
A I can, yes.
Q Can you read out the name that is written on the torn piece of paper?
A Tariq.
Q And is it in the defendant's name?
A No.
Q Can we go on to the next exhibit, which is 260. (Exhibit published.)
Mr. White, can you see the item which is marked as 260 on your screen?
A I can, yes.
Q On this torn piece of paper, is there anywhere the defendant's name written on this piece of paper?
A No.

Q Can we go on to next item, which is marked as 261?
(Exhibit published.)
Mr. White, can you see the marked as 261 on your screen?
A Yes.
Q Does it mention the defendant's name?
A No, it doesn't, no.
Q Whose name is mentioned on the torn piece of paper?
A Tariq.
Q Moving on to the next item, which is marked as 262.
(Exhibit published.)
Mr. White, can you see the items marked as 262 on your screen?
A Yes, I can.
Q Can you describe the item for us?
A It's a torn-up official document. I think at the top, it's Lloyds TSB, but I can't really see on the screen. But it's a Lloyds TSB banking document.
Q Who does this document for?
A Mr. T. U. Raymond, 32 Surrey Road, Manchester.
Q Does it belong to the defendant?
A No.
Q Moving on to the next --
THE COURT: Maybe we can, Mr. Naseer, with your permission, save some time.

Mr. White, all of the exhibits that you seized that you have identified here during your testimony, both on direct and cross, did you come across the defendant's name on anything?

THE WITNESS: No, your Honor.

THE COURT: All right.

Go ahead, Mr. Naseer.

MR. NASEER: Can I show the witness the exhibit which is marked as 3500-ICW-two? (Exhibit published.)

BY MR. NASEER:

Q I want to go on the first page of this item. Mr. White, can you see that exhibit clearly on the screen?

A Yeah. My eyes are not as good as yours, but yes, I can see that.

Q Now, can you recall this document?

A That's produced from our computer system. It's a list of exhibits from the internet cafe.

Q And can you see the horizontal table where it says "Witness Reference"?

A Yes.

Q And you have reference every exhibit that was recovered from the cyber cafe, is that correct?

A This is a list that's not in my number order. If you look at the -- they were all there, but they're not in the same order, but yes.

Q Now, in the label descriptions table, looking at the table that is labeled as "label description," in these labels, did you come across any exhibit that relates to the defendant's name?
A I haven't been through the full list since I arrived in New York, but no.
Q Did you come across any exhibit that referred to the ownership of the defendant's item of -- that were recovered?
A No.

MR. NASEER: Thank you, sir. I don't have any further questions.

THE COURT: Mr. Canty, anything?

MR. CANTY: No thank you, your Honor.

THE COURT: Mr. White, you're excused. Thank you so much.

Next witness?

THE WITNESS: Thank you, your Honor.

MR. CANTY: The United States Officer Gary Humes, H-U-M-E-S.

THE CLERK: Good morning, sir. I'm going to ask to you please to take the stand and raise your right hand.

(Witness sworn.)

THE WITNESS: I do.

THE CLERK: Please have a seat. Thank you. State and spell your name for the record.

THE WITNESS: My name is Gary Humes, spell the last name, HUMES, first name, Gary, G-A-R-Y.

MR. CANTY: May I inquire, your Honor?

THE COURT: Yes, please.

DIRECT EXAMINATION

BY MR. CANTY:

Q Sir, where do you work?

A I work for the Cookbury Police in the UK. I was attached to the Northwest Counterterrorism Unit.

Q What's your current title?

A I'm a police investigator.

Q And prior to being a patrol investigator, what position did you hold within the police department?

A I was Detective Constable.

Q How long have you been in law enforcement?

A Thirty-four years.

Q I would like to direct your attentioN to April 2009. Did there come a time when you were called to conduct a search in connection with an investigation that was being conducted by the Greater Manchester Police Department?

A Yes, I did, and that was 54 Abercarn Close, in Manchester.

Q That was the location you were asked to go to?

A Yes, it was.

Q Please describe for the jury what happened when you got

to that location.
A Okay. It was the 8th of April, 2009. I went to the address to conduct a search of the property. I entered the property which had already been secured by the other police officers. Entered the property, made an assessment and secured the property overnight. Returned the following day at 9:30 a.m. and commenced a search of the property.
Q During your search, did there come a time when you secured a computer from that location?
A Yes, there was.
Q Can you briefly describe to the jury what that location was?
A Okay. It was on the ground floor of the property. The property is a semi-detached house, which it had a ground floor and upstairs, single bedroom and a bathroom. And the computer I found was on the floor in the living room of the property.
Q I'd like to show you what's been marked as Government Exhibit 3500-GH-1.
MR. CANTY: Could I have this presented just to the witness? (Exhibit published to the witness.)
Excuse me, GH-3.
THE COURT: Not one, three?
MR. CANTY: Yes, your Honor.
THE COURT: All right.
BY MR. CANTY:

Q Do you recognize Government Exhibit 3500-GH-3?
A I have GH-1 on my screen.
Q Now -- excuse me, down here, where it says "Government Exhibit."
A Okay. Sorry. Yes. Yes.
Q And what is that?
A (No response.)
Q What are we looking at there?
A It's the entry I made in the exhibit book at the time I seized the computer, Exhibit Reference GH-1.
Q Did you make this record at or about that time?
A It was made at the time I seized the computer.
Q And the information that's contained on this document you put on after the exact time you seized the computer from that location?
A Yes.
Q And you're in the business of recordkeeping and maintaining these types of records when you secure evidence at a crime scene?
A Yes, that is correct.
Q I'd like you to take a look at Government Exhibit 460 and 461. (Exhibit published to the witness.)
A Yes.
Q That's Government Exhibit 460 and that's Government Exhibit 461?

A Yes.
Q And now I'd like you to look at Government Exhibit 464.
(Exhibit published to the witness.)
A Yeah.
Q 465? (Exhibit published to the witness.)
A Yes.
Q And 466? (Exhibit published to the witness.)
A Yes.
Q With respect to Government Exhibits 460, 461 and 464, do they fairly and accurately depict the computer that you identify as GH-1 that you secured from 54 Abercarn Close on April 9th, 2009?
A It is, sir, yes.
Q And with respect to Government Exhibit 465 and 466, do they fairly and accurately depict the room and location, including the computer, where you seized the computer on that date?
A Yes?
Q Computer.

MR. CANTY: Your Honor, I'd ask that what's been marked as Government's Exhibit 3500-GH-3, Government Exhibits 460, 461, 464, 465 and 466 be moved into evidence.

THE COURT: Is there an objection?

MR. NASEER: Yes, sir.

THE COURT: To all the exhibits?

MR. NASEER: (Confers with Mr. Neuman and Mr. Canty.)

Yes. Objection to the items that were described.

THE COURT: We have several items. All items?

MR. NASEER: Yes, sir.

THE COURT: Overruled. Received.

MR. CANTY: May I have it published to the jury?

THE COURT: Yes.

(Exhibit published to the jury.)

BY MR. CANTY:

Q Investigator, when you seized the items, did you list a serial bag or label number on that document?

A Yes. That was placed into a plastic exhibits bag which had a unique reference number.

Q And what is that number?

A That number is MPSZ08405005.

Q And does it indicate who you delivered this item to after you secured it?

A It does. Ninth of April, 2009, 2100 hours to D. C. Ratcliffe, Manchester Police Headquarters.

Q Who is D. C. Ratcliffe?

A He was the coordinating exhibits officer for the operation.

Q Was the exhibit properly secured at this location?

A It was. It taken by me from the property director to

him.
Q And with respect to Government Exhibit 465, can you just describe that to the jury? (Exhibit published.)
A That is a photograph of the living room of the property at 54 Abercarn Drive, and that's the opening photography completed, actually, which was taken as we entered the property.
Q Do you see the computer in that picture?
A Yes, I do.
Q Where is it located?
A It's on the floor underneath the small computer table.
Q In the center of this picture?
A Yes.
Q Now, looking at Government Exhibit 466, is that just a close-up of that --
A Yes.
Q -- tower?
A Yes, it is.
Q And in fact, is that the physical tower that you secured?
A Yes. Yes, it is.
MR. CANTY: I have no further questions of this witness.
THE COURT: All right. Mr. Naseer, do you have any questions?
MR. NASEER: Yes, sir.

CROSS-EXAMINATION
BY MR. NASEER:
Q Good morning, Mr. Humes.
A Good morning.
MR. NASEER: Can I show the witness exhibit which is marked as 460, which is in evidence, please? (Exhibit published.)
BY MR. NASEER:
Q Mr. Humes, can you see the item marked as 460 on your screen? (Exhibit published.)
A Yes, I can.
Q Can you describe the item for us, please?
A It's an HP computer tower.
Q Where did you recover this computer from?
A That was on the living room floor of 54 Abercarn Drive -- Abercarn Close. I'm sorry.
Q Was this item recovered from the defendant's address, 36 Galsworthy Avenue?
A No.
Q Going over to the exhibit which is marked as 461, please. (Exhibit published.)
Mr. Humes, can you see the item that is marked as 461? Is that the rear shot of the computer you just described?
A Yes.

Q And can we move on to items that are marked as 464, please? (Exhibit published.)
Mr. Humes, can you see the items marked as 464 on your screen?
A I can.
Q Is that the same item, but in the tamperproof bag?
A Yes.
Q Can we go on to the next item, which is marked as 465, please? (Exhibit published.)
Mr. Humes, can you see item that is marked as 465 on your screen?
A Yes.
Q Can you describe the location of this exhibit?
A Yes, on the floor in living room, underneath the computer table.
Q And is it the address that is 36 Galsworthy Avenue?
A No.
Q What is that address?
A Fifty-four Abercarn Close.
Q Moving on to the last exhibit, which is 466, please. (Exhibit published.)
Mr. Humes, can you see item that is marked as 466 on your screen?
A Yes.
Q Is it the address 36 Galsworthy Avenue?

A No.
Q Okay. Can you tell us the address?
A Fifty-four Abercarn Close.
MR. NASEER: Thank you, sir. I don't have any further questions.
THE COURT: Anything else, Mr. Canty?
MR. CANTY: No thank you, your Honor.
THE COURT: Mr. Humes, thank you. You're excused.
Next witness?
MR. CANTY: Your Honor, the Government calls Christopher Webster.
Your Honor, may I approach?
THE COURT: Yes, of course.
THE CLERK: Can we just hold off with the witness for one second?
(Side bar.)

(Side bar.)

MR. CANTY: Your Honor, I apologize. I just need two minutes before we begin with this next witness. We moved very quickly and I just want to make sure that we have all the documents in order to perform the --

THE COURT: You want a short break?

MR. CANTY: May I have one? I only need two or three minutes.

(Side bar concluded.)

(In open court.)

THE COURT: We're going to take a short -- given the nature of the day, a very short break, five minutes. Relax. Don't discuss the case. We'll resume in five minutes.

MR. CANTY: Thank you, your Honor.

(Jury exits.)

(Side bar.)

(Side bar.)

THE COURT: While we're here -- just one more juror to get out. It takes five minutes to get them out of here.

Going back to our discussion this morning --

MS. AHMAD: Yes, your Honor.

THE COURT: I certainly don't find these documents that were seized any more inflammatory than the subject matter of the case, but are they cumulative? I mean, why do we need all this stuff?

MS. AHMAD: Because, your Honor, the one document goes to prove the defendant's membership and activities in furtherance of the conspiracy. The others prove that that document is an al-Qaeda document addressed to Osama bin Laden.

THE COURT: That's what I assumed you would say. If there's going to be an argument, if that's going to be challenged in the some way, then it goes to the authenticity of those documents. But I thought I'd throw it out.

You made -- part of your objection is cumulative. If there's -- unless there's going to be an acknowledgment that this is what it purports to be, meaning 405, then the Government's on firm ground trying to establish the legitimacy of these documents by introducing a series of documents.

You don't have to react now. I'm not going to rush you. But that's my only concern here, just cumulative. It's nothing, no great shakes, but it's an objection and it's been made, and once we put this whole thing in context, I may have a different view of it. That's all.

MS. AHMAD: No, I understand. If the defendant wouldn't challenge that that document in issue was recovered from media associated with Osama bin Laden, we may not need the others, but I assume that he is going to challenge that. That's what the others go to prove.

THE COURT: I just throw it out there, reflect on it, Mr. Naseer. Perhaps you can seek your adviser's guidance on it and we'll come back to it.

MR. NASEER: Thank you, sir.

THE COURT: Let me know when you ready, Mr. Canty.

MR. CANTY: Thank you, your Honor.

(Side bar concluded.)

(Recess.)

(In open court.)

THE CLERK: Are we ready?

MR. NEUMAN: I'm sorry.

THE CLERK: I'm sorry, Joe.

MR. NEUMAN: I'm sorry. He's still going to be asking for the 12:30 religious break.

THE CLERK: Yes.

MR. NEUMAN: I just want to --

THE COURT: We're going to give it to him. I won't forget you.

Mr. Canty, where are you going?

MR. CANTY: Bringing the witness in, your Honor.

THE COURT: All right.

(Witness takes the stand.)

THE COURT: Good morning, sir. Welcome. Have a seat. Relax.

MS. COHEN: Your Honor, my next witness after this, I need a little time with the computer, so I'm just going to step out right now during this witness, if that's okay, so we don't hold everything up. Thank you.

THE COURT: One less lawyer in the courtroom is probably a good thing.

THE CLERK: All rise.

(Jury enters.)

THE COURT: Okay. Please be seated, folks.

Occasionally, unscheduled breaks tell you something -- at least they tell me something. I've been doing it a long time.

But we're moving at such a good clip, all right, that things sometimes get a little off of center and we just need a minute or two, unscheduled, to get ready for the next witness and so forth. It's not necessarily a bad thing. I'm sorry to have kept you waiting. We're ready to resume.

If you'll introduce your witness, Mr. Canty.

MR. CANTY: Yes. The United States calls Christopher Webster.

(Witness sworn.)

THE CLERK: Thank you. Please have a seat and state and spell your name for the record.

THE WITNESS: My name is Christopher Webster. I'm a Detective Constable 606 of the Cheshire Constabulary, in England.

DIRECT EXAMINATION

BY MR. CANTY:

Q Good morning, Officer. How long have you been with your Police Department?

A I've been a police officer for 38 years.

Q In what capacity?

A I've been a detective since 1976. Since 1993, I've been attached to SO13 now SO15, Metropolitan Police Counterterrorism Command.

Q And what responsibilities do you have in your role right now in that unit?

A In that role, I have responsibility as an exhibits officer with the forensic management team, as in task, I will assist in counterterrorism investigations. I have done so throughout the United Kingdom, the Middle East and Ireland.

Q I'd like to direct your attention to April 4th and -- excuse me, April 8th and April 9th of 2009. Did there come a time when you were called to conduct a search of a location at 51 Cedar Grove in Manchester?

A It was actually 51 Cedar Grove in Liverpool.

Q Liverpool, excuse me. My apologies.

When you conducted that search, were you aware of anybody that was residing at that location?

A During the course of the search, I found documentation which indicated that the tenant was Abdul Wafa Khan.

Q During your search of the location, can you just describe to the jury what was the first thing you did?

A Initially, the premises had been entered by a firearms team who had removed four persons from that address.

Following that, I went into the address with an explosive officer, who made a safety assessment of the actual address. Following that, I started to take forensic evidence from within the address.

Q And directing your attention specifically to April 9th, 2009, did there come a time when you seized evidence from that location.

A I did indeed. Between the dates of the 8th and the 19th of that month, I continued to take evidence from that location.

Q Okay. I would like to show you what's been marked as Government Exhibit 3500-CW-3, see if you recognize that.

THE CLERK: I'm sorry, Mr. Canty. Is this in evidence?

MR. CANTY: It's not in evidence, for the witness only, please.

THE CLERK: Do you see it, sir?

THE WITNESS: There's nothing on the screen.

THE CLERK: You said you're using the document camera?

MS. AHMAD: Yes.

MR. NEUMAN: 3500-CW-3?

MR. CANTY: Yes, may I present it to the witness?

THE COURT: Yes.

(Paralegal hands exhibit to the witness.)

A (Perusing document.) Yeah. This is actually CW-30.

BY MR. CANTY:

Q Well, the Exhibit Number, please?

A Yeah, that's correct.
Q Okay. And does that fairly and accurately depict the evidence log and the sketches you look at that location?
A Yeah. This is a copy of a contemporaneous record I made when this exhibit was seized.
Q And with respect to the exhibit that you see, the information that you put on that document, you put on the exact time that the evidence is seized from that location?
A That's correct.
Q Okay. May I have that back, please?
A (Complies.)
Q I would like you to take a look at Government Exhibit 150 -- excuse me, 1150, 1151 and 1152.
MR. CANTY: May I present those to the witness?
THE COURT: Yes, sir.
BY MR. CANTY:
Q (Handing.) Do you recognize these documents, sir?
A (Perusing.) Yes, I do.
Q What do you recognize them to be?
A I recognize that to be a photographic image of the computer CW-30, which I seized, on the right.
Q And the next picture of the evidence log?
A Yeah. That is a current view showing the location where that computer was recovered on that particular day.
Q And the third exhibit?

A That is a close-up shot of the actual same computer.

MR. CANTY: May I have that back?

THE WITNESS: (Complies.)

MR. CANTY: Your Honor, at this time, the Government would seek to admit 3500-CW-3, Government Exhibits 1150, 1151, and 1152.

THE COURT: All right.

Any objection?

MR. NASEER: Yes, sir.

THE COURT: All right. Overruled. They're received in evidence.

MR. NASEER: Excuse me. We don't have those exhibits, 1100 series, the ones that were mentioned.

THE COURT: Hold on a second. You don't have something?

MR. NASEER: Yes, sir.

MR. CANTY: I think this was turned over, Judge, but I can show it to the defendant. (Handing.)

MR. NASEER: (Perusing document with Mr. Neuman.)

I still have an objection to the items being introduced into evidence.

THE COURT: You do have an objection?

MR. NASEER: Yes, sir.

THE COURT: All right. Understood. Objections are overruled. 3500-CW-3, Government Exhibit 1150, 1151, 1152, all now in evidence.

(Exhibit published to the jury.)

BY MR. CANTY:

Q What are we looking at here, Officer?

A You're looking at a sketch plan that I prepared at the commencement of the search of that address, and this particular one is of the ground floor and it shows a bird's eye view of the ground floor itself, front lounge, rear lounge, kitchen and the hallway leading to those three rooms.

Q Okay. And I think you also did a sketch of the first floor?

A Yes, I did.

Q That would be the floor above the ground floor?

A That's correct.

Q And what are we looking at here? (Exhibit published.)

A You can see the first floor of the premises, which consists of a front bedroom, a second bedroom -- designated the rear bedroom -- back of the premises, a bathroom, plus the stairs and hallway, giving access to those three rooms.

Q And where was the computer that you seized? Where was that found?

A If you could show the image of the ground floor?

Q (Complies.)

A You can see the room designated as room three or rear lounge and you can see a door which is in the top corner of room three. And where the words "rear lounge" are, you can see a fireplace.

Now, between the door and the fireplace was a sofa and that is the location where the computer was recovered.

Q I have what's been marked as Government Exhibit 1151 in evidence. (Exhibit published.)

Do you see the computer in that image?

A I do. It's on the sofa.

Q Where is that?

A On the sofa, on the left side of the sofa in proximity to the fire that you can see on the wall.

Q And what color is that computer?

A Silvery gray color.

Q And looking at Government Exhibit 1152, what are we looking at here? (Exhibit published.)

A This is a close-up of the image of the same computer.

Q Now, when you took this computer, how did you tag it for evidence purposes?

A Yeah. I placed it in a tamperproof evidence bag which had a pre-registered seal. You can see the seal number is D40192281.

Q And was that -- after that evidence was properly sealed, was it delivered to Detective Constable Ratcliffe at the Manchester City Police Department?

A Yeah. It was subsequently delivered later that are day.

Q Now, with respect to Liverpool, you mentioned that this was found at 51 Cedar Grove in Liverpool. How close is Liverpool to Manchester?
A It's approximately 26 English miles, your Honor.
THE COURT: English miles are very different from --
THE WITNESS: They are, I believe, slightly different than U. S. Miles.
THE COURT: Slightly different? All right.
BY MR. CANTY:
Q All right. A car ride, how long would it take you to get from one city to the other?
A Probably about 40 minutes. It's a heavily-congested area of the Northwestern United Kingdom, so you're talking about 40 minutes, a good run.
MR. CANTY: No further questions, your Honor.
THE COURT: All right. Mr. Naseer, when you're ready.
MR. NEUMAN: Can we have the exhibits, please?
MR. CANTY: (Complies.)
CROSS-EXAMINATION
BY MR. NASEER:
Q Good morning, Mr. Webster.
A Good morning.
Q Now, can you describe the address for us that you went in to secure the exhibits?

A Yeah. It was a mid-terraced Victorian address, as per the images on the sketch plan that the Court has already seen.
Q And where was that address?
A It was situated in Liverpool, Merseyside.
Q Is that address 36 Galsworthy Avenue?
A I'm sorry. Could you say that again?
Q Is that address 36 Galsworthy Avenue?
A No, it's Number 51 Cedar Grove, Liverpool.
Q And the tenant agreement, who was it registered to?
A Mr. Abdul Khan.
Q And is it the defendant's name?
A Not yours.
Q Is that the defendant's name?
A It's not your name.
Q Now, how many people were arrested from this address in Liverpool?
A I understand four people were arrested immediately before I searched that address.
Q And do you have any knowledge to what happened to those people after their arrest? Were they ever charged or convicted?
MR. CANTY: Objection.
THE COURT: Sustained.
MR. NASEER: Now, can I show the witness exhibit which is marked as 1050? It's in evidence, please -- 1150.

(Exhibit published to the jury.)

BY MR. NASEER:

Q Mr. Webster, can you see the item which is marked as 1150 on the screen? (Exhibit published.)

A I can.

Q How many laptop computers can you see on this exhibit?

A There are two computers, one on the floor and the one we've already discussed on the sofa.

Q So this is the address of 51 Cedar Grove?

A That's correct.

Q Do you have any knowledge to whether these computers belonged to the defendant?

A I don't have knowledge of that. My role was to search the address. Subsequent inquiries were undertaken by other officers.

Q And can I show the witness and item which is marked as 1151, please?

Mr. Webster, can you see the item marked as 1151 on your screen? (Exhibit published.)

A I can.

Q How many computers you can see on this exhibit?

A There are two computers, as per the previous image.

Q So those are the same computers that were basically shown to you on the screen?

A That is correct.

Q Can I show the witness item which is marked as 1152, please? (Exhibit published.)

Mr. Webster, can you see item number 1152 on your screen?

A I can.

Q Do you have any knowledge to whom this computer belongs to?

A No, I don't know who it belongs to.

Q And it was recovered from the address 57 Cedar Grove, in Liverpool?

A Can I correct you? It's 51 Cedar Grove.

Q Fifty-one Cedar Grove in Liverpool?

A That is correct.

MR. NASEER: Thank you. I have no further questions.

THE COURT: All right. Anything else, Mr. Canty?

MR. CANTY: No thank you.

THE COURT: Thank you, sir. You may step down.

Next witness.

MR. CANTY: Your Honor, may I recall Investigator Gary Humes for one question?

(Witness resumes the stand.)

THE COURT: Mr. Humes, have a seat. You've been sworn and you remain under oath. You understand that?

THE WITNESS: I do, your Honor. Thank you.

THE COURT: All right. Go ahead, Mr. Canty.

REDIRECT EXAMINATION

BY MR. CANTY:

Q Mr. Humes, Investigator Humes, when you were conducting your search of 54 Abercarn Close, did you come across any documents or evidence that suggested an individual who was residing at that location?

A I did, yes.

Q What was that?

A It was some -- a letter from the Great Manchester Police to an individual called Zahid Khan.

MR. CANTY: Thank you. No further questions.

THE COURT: Any questions?

MR. NASEER: Just one question.

RECROSS-EXAMINATION

BY MR. NASEER:

Q Mr. Humes, when you were arrived at the address 54 Abercarn Close in Manchester, did you do any explosive swabs on the property?

A No, I did not.

MR. NASEER: Thank you, sir.

THE COURT: All right. Thank you again, sir.

THE WITNESS: Thank you, sir.

THE COURT: Next witness?

MR. CANTY: No further questions.

THE COURT: That's promising, but I don't think you made it in response to "next witness?"

MR. CANTY: Your Honor, the United States calls Ian Appleton.

THE CLERK: Good morning, sir.

THE WITNESS: Good morning.

THE CLERK: I'm going to ask you, please, to take the stand and raise your right hand.

(Witness sworn.)

THE CLERK: Thank you. Please have a seat. State and spell your name for record.

THE WITNESS: My name is Ian Appleton, I-A-N, A-P-P-L-E-T-O-N.

DIRECT EXAMINATION

BY MS. COHEN:

Q Good morning, Mr. Appleton.

A Good morning.

Q Are you currently working?

A I am not, no. I am retired.

Q Before you retired, what did you used to do?

A I was a police officer.

Q And what kind of police officer were you?

A Detective in the Northwest CTU.

Q And how long -- you say detective. What kind of work did you do?

A I was a Forensic Computer Investigator.
Q And you mentioned CTU. What is that?
A That's the Counterterrorism Unit.
Q How long were you a Computer Forensic Investigator with the Counterterrorism Unit?
A Nearly ten years.
Q Where were you physically located?
A We actually moved premises, and it was Force Headquarters.
Q Generally?
A In Manchester.
Q In Manchester?
A Yeah. Sorry.
Q And prior to being a Computer Forensic Investigator, what did you do?
A I was a Road Traffic Patrol Officer.
Q Can you tell the jury what a Computer Forensic Investigator does?
A Yes. He examines computers and digital media from scenes of crimes.
Q And as a -- examining computers and digital media, what is your purpose in doing that or --
A It's to find evidence for the prosecution, going through hard drives, pen drives, CDs, DVDs, et cetera, and analyzing the digital data contained within those devices.

Q And you mentioned pen drives. What is a pen drive?
A It's a device, a USB device that is a data storage media that can be plug into a computer or laptop.
Q And is a pen drive also known as a thumb drive?
A A thumb drive, that is correct.
Q This is like the small device that --
A That's correct.
Q -- is used?
A Yes.
Q Now, you mentioned that you as a forensic investigator, search computers and other digital media. How does your -- how do you physically do that?
A We have various pieces of software that examine whichever media we have. It's not like the operating system like Windows 7 that you know of. It actually examines the data contained within each sector of the drive, rather than just files and folders.
Q Okay. So just as a lay person, if I was to -- a regular person was to search a computer and go into the search file, I would find various folders and things like that?
A That's right.
Q How is what you do different than that?
A Mine actually searches for a keyword in a string of texts. So if you have a word document and you did a keyword search, you would probably find that keyword within the

document, if it exists, where my software would actually look at the file in its lowest format, everything that makes up that file, including metadata and other things. It doesn't just search for text within the file. It searches at a lower level, lower level.

Q Now, what about computers that have deleted information? Are you able to find things that have been deleted?

A I am, yes.

Q And how is that, that you would do that?

A Again, it's the same principle. The software is designed to recover deleted data where it's available and other things -- but yes, it does recover deleted data.

Q Okay. And if something has been deleted, but overwritten, how does that change things?

A Changes things in a number of ways. The deleted data itself will be irrecoverable if it's been overwritten, although the file name and the associated times and dates may still be available.

Q Okay. So in other words, you can tell that perhaps it existed before?

A That's correct.

Q But you can't recover the actual file, the document?

A That's correct, yes.

Q But just to make it clear, if it wasn't overwritten, sometimes you can recover the deleted file?

A That's correct.
Q All right. Now, turning your attention to April 2009, were you assigned a new case at that point?
A I was.
Q And you said you worked in the Counterterrorism Unit. What types of cases did you typically investigate?
A Usually just terrorism cases.
Q All right. And this new case you were assigned in April of 2009, what was that?
A That was called "Operation Snowcap."
Q What do you mean by "Operation Snowcap"?
A Each operations is given a unique name that we can identify it by.
Q So does it have any meaning or it's just something you label?
A No, it's just something that gets labeled.
Q And in that investigation, what was your assignment?
A My assignment was to look at some of the cyber cafe computers and a pen driver, which was our Exhibit Reference SGM342.
Q So generally, you were, again, asked to examine computers and digital media?
A That's correct.
Q Now, how did you get the media that you were going to examine?

A The digital copies of the original exhibits were placed on the secure CTU server. I downloaded those files to my local computer and used the copy to investigate the case with.
Q So you basically download everything on your computer --
A That's correct.
Q -- and you use that to do your searches?
A That's correct.
Q At that time, how did you know what to look for?
A I was given a keyword search list and brief overview of what we were looking for.
Q And were you told or were you aware of who was being investigated?
A I was, yes.
Q And were you provided with, in addition to names, you were provided with photographs and other things?
A I was.
Q What was purpose of that?
A To identify any of the suspects on the media which I was investigating.
Q Now, at that time, were you the only Computer Forensic Investigator on the case?
A No, there were approximately six of us.
Q And you mentioned before when I asked you what was your assignment, it sounded like you were assigned specific media?
A That's correct, yes.

Q So specifically, how many computers or various electronic media were you assigned?
A I was assigned four computers and one pen drive.
Q And those four computers, where were those from?
A They were the cyber cafe.
Q Where -- do you know where that cyber cafe was located?
A Cheetham Hill Road, Manchester.
Q And you mentioned -- so in addition to the computer, you also mentioned you took a pen drive?
A I did.
Q Where was that pen drive from?
A That was from Galsworthy Road, in Manchester.
Q Now, and were you aware at the time you received the pen drive as to whose pen drive that was?
A That was, I believe, Abid Naseer's.
Q Now, after that, how long did you at that time work -- how long did you work on your examination at that time?
A Quite a few months.
Q And that was back in 2009?
A It was.
Q Now, did there come a time when you were asked to review computers and other electronic media in -- related to this same investigation?
A Yes.
Q At a later date?

A Yes.
Q And when was that?
A That was about October last year.
Q Was that in preparation for this trial?
A It was.
Q What at that time were you specifically asked to do?
A The CyberNet computers, SGM11, a couple of computers from Cedar Grove, in Liverpool, and GH-1, I believe, from Manchester.
Q Okay. Well, let's break that down, so everyone knows what we're talking about. On -- you mentioned SGM. What is that, SGM?
A SGM is an exhibit reference, which is specifically assigned to the officer who seized the device. In this case, it was Stephen Murphy.
Q So you're referring to the computers by the exhibits they were on?
A The Snowcap exhibits, that's correct.
Q Okay. Let's just go through those and assign them our exhibit numbers, so we're all on the same page.

Okay. So I want to -- I'm going to show you what is already in evidence.

THE CLERK: Are you using the podium?

MS. COHEN: This is already plugged in, yeah.

(Exhibit published.)

BY MS. COHEN:
Q Okay. Showing you what is already in evidence as Government Exhibit 19904. Do you recognize this exhibit?
A I do, yes.
Q What is 19904?
A That is the pen drive of Mr. Naseer, SGM342.
Q And that is one of the pieces of electronic media you investigated?
A It is.
Q And I'm showing you now 19906. Do you recognize this exhibit? (Exhibit published.)
A That is the computer desktop of Mr. Naseer, SGM11.
Q SGM11? And we see that down at the bottom of the screen?
A That's correct. Yes.
Q Before we go to the next one, throughout the course of your investigation, did you always at this time refer to these various exhibits by their SGM11, the officer who collected them?
A I did.
Q And then going to the next one, which is 250.02. These photographs are all already in evidence. Do you recognize this exhibit? (Exhibit published.)
A That's a Dell computer from the cyber cafe.
Q And how many computers did you review at the cyber cafe -- from the cyber cafe?

A Ten.
Q Do you know which numbers you reviewed?
A Yeah. ICW, one through ten.
Q Now, and this one, is this ICW?
A ICW1, I think. Is it?
Q Yes, sir. ICW1.
A Looks like ICW.
Q And this is 251.01. (Exhibit published.)
Do you know which computer this is?
A ICW2.
Q The next, 251.02. (Exhibit published.)
Recognize this exhibit?
A That is ICW2.
Q 252.01 -- are these all the cyber cafe? (Exhibit published.)
A ECW3.
Q Okay.

MS. COHEN: Yeah. Let's put up the cover sheets.

Why don't we, with Your Honor's permission, if we could just approach the witness and ask whether the exhibits that we're providing are the ones that he reviewed?

THE COURT: Might be quicker.

(Documents handed to the witness.)

THE WITNESS: (Peruses document.)

BY MS. COHEN:

Q Detective Appleton, as you're going through these, are these the internet cafe computer photographs of them that you examined?
A They are, yes.
Q And you also examined a computer that was marked as CW30?
A I did.
Q And what -- do you know where that -- what was that?
A I believe that was a Sony Vaio laptop.
Q Do you know where that laptop was recovered from?
A Cedar Grove, at Liverpool.
Q And that's the exhibit that is marked as 1152?
A It is.
Q And that was formally in your analysis CW30?
A It was, yes.
Q And finally, did you also examine another pen or thumb drive in this case?
A I did.

(Continued on the next page.)

EXAMINATION BY
MS. COHEN:
(Continuing.)
Q And what did you know that exhibit as?
A AM-3.
Q What's that now marked as?
A 100.
Q 100, yes. I said, "Finally," but I'm sorry, missed one.
For AM-3 do you know whose pen try that was?
A Tariq Rehman's.
Q Now, going to the last one now.
Did you also examine a computer that was previously marked as GH-1?
A I did.
Q GH-11?
A No, GH-1.
Q GH-1. Do you see that in your file as well?
A I do.
Q What exhibit is that?
A 460.
Q Do you know where that computer was recovered from?
A Abercarn Close in Manchester.
Q Now, once you see -- you can keep those exhibits up there for now.
Once you received all of those, did you have a copy

of all of that electronic media on your computer?
A I did.
Q And so, when you were searching for things, did you allow that to search across all of the electronic media?
A It did.
Q Now, in the course of your investigation, did you collect a number of documents that you relied on in your analysis?
A I did.

MS. COHEN: And I'm now going to show the witness for identification --

One moment, your Honor.

COURTROOM DEPUTY: Ms. Cohen, will you be using your document camera at your table?

MS. COHEN: I'm not going to use it at all. I'm just going to be using the computer and it's all set.

COURTROOM DEPUTY: All set, okay.

(A brief pause in the proceedings was held.)

MS. AHMAD: May I approach, your Honor.

(Approaching the witness.)

(Handing to the witness.)

EXAMINATION BY
MS. COHEN:
(Continuing.)
Q I'm showing you a pile of documents, Mr. Appleton, labeled Government Exhibit 1102.

THE COURT: The entire pile?

MS. COHEN: The entire pile, your Honor.

Q Were these documents, ones that you recovered, from the media that were just discussed?

A They are.

Q And, in compiling these documents, what made you take these documents as opposed to others?

A These were items I thought relevant to the case.

Q Now --

THE COURT: You made that determination based upon key words and other information provided to you before you did this?

THE WITNESS: That's correct, your Honor, yes.

Q Okay.

MS. COHEN: Your Honor, at this time the Government offers Exhibits 1102 into evidence.

THE COURT: This is 1102?

MS. COHEN: Yes, your Honor.

THE COURT: Is there an objection?

MS. COHEN: They have, your Honor, these documents are linked to a flow chart that was provided to the defendant in evidence.

THE COURT: The chart is in evidence?

MS. COHEN: No, no. Sorry, it was provided to the defense in discovery.

THE COURT: Fair enough. But my question is: Is there going to be an objection to this?

MS. COHEN: That's why I was just providing that information.

Let me ask one follow-up question that might assist, your Honor.

EXAMINATION BY

MS. COHEN:

(Continuing.)

Q In forming your analysis in this case as a computer forensic evidence expert are these the document that you relied upon?

A They are.

Q Are these documents contained in all the electronic media we just discussed?

A They are.

THE COURT: I am not sure I understand.

The documents before you now contain all the media that you reviewed or all of the media that you extracted.

THE WITNESS: Yes, the ones I extracted, your Honor, yes.

THE COURT: Okay. All right. Hearing no objection they're satisfied.

(Government's Exhibit 1102 was received in evidence as of this date.)

EXAMINATION BY
MS. COHEN:
(Continuing.)
Q Now, using those documents and in analyzing the computer did you make a chart summarizing your findings?
A I did.
Q I'm going to show you for identification what has been marked as Government Exhibit 1101.
THE COURT: Sorry, I didn't hear it. 11?
MS. AHMAD: 01.
Q Do you recognize that?
A I do, yes.
Q What is that?
A That is the disk containing the sequence of events, the chart.
Q Sorry, just for the record, that's 1101?
A It is.
Q That's the chart you created?
A It is.
Q How do you recognize that disk?
A It's got my initials.
MS. COHEN: Your Honor, at this time, the Government offers Government Exhibit 1101 into evidence.
THE COURT: So the disk is essentially in chart form reflecting what was the file pile of documents before you?

THE WITNESS: That's correct, your Honor, yes.

THE COURT: Any objection.

MR. NASEER: Yes.

THE COURT: There's an objection to 1101?

MR. NASEER: That's correct.

THE COURT: Well, given the fact that we had no objection to previous documents, overruled, 1101 in evidence.

(Government's Exhibit 1101 was received in evidence as of this date.)

EXAMINATION BY
MS. COHEN:
(Continuing.)

Q Does the chart on this disk, Mr. Appleton, it includes the documents shown to you in 1101?
A It does.
Q I'm sorry in 1102?
A 1102 it does, yes.
Q Now, in creating that chart, did you also review exhibits from this case that are in evidence concerning the defendant's e-mail addresses and log-ins?
A I did.
Q I'm just going to show you what is already in evidence as Government Exhibit 519 and 520.

This is Government Exhibit 519. This is humaonion and the next, 152, is chipyparveen@yahoo.com.

Are these the exhibits you also reviewed?
A They are, yes.
Q And, after you reviewed those, did you add the log-ins from both the humaonion and the chipyparveen to your chart?
A It the chart, yes.
Q Did you add the e-mails received that are indicated on those charts and sent from those accounts?
A I did.
Q Now, when you reviewed that, were there times in which the log-ins you saw on that account, which came from Yahoo, were there also times you saw that on the computer?
A There were, yes.
Q And did you indicate when it was actually, when you actually saw it on the computer?
A Yes. The log-ins on the computer correspond with those presented by Yahoo. They're both on at the same time.
Q You indicated when you saw them on computer as well?
A Yes, it's on the charts.
Q And -- okay.

Let's -- now I'm going to show you Government Exhibit 1101.

THE COURT: You have a paper copy of that? 1101?

MS. COHEN: I do, your Honor.

THE COURT: May I have it? It doesn't seem to be in my book.

MS. COHEN: Your Honor, we marked the paper copy as 1101.01 just to distinguish it and the defendant has been provided with a copy of the paper as well.

THE COURT: All right. Thank you. Meaning, 1101 is the digital copy?

MS. COHEN: Correct, your Honor.

THE COURT: 1101.01 is the paper copy of the same information?

MS. COHEN: That's right.

EXAMINATION BY
MS. COHEN:
(Continuing.)

Q We're looking now -- oh, not yet.

COURTROOM DEPUTY: You're on?

MS. COHEN: I'm on, yes. On the computer.

COURTROOM DEPUTY: On the computer, okay.

MS. AHMAD: What used to be the document camera is now the computer.

COURTROOM DEPUTY: Okay.

MS. AHMAD: Sorry.

Q All right.

So this is Government Exhibit 1101. This is the chart that you were talking about?

A It is.

Q Let's just familiarize everyone with the chart itself.

First, just at the top, we see something you call the "Event" on the third column in?
A That's correct.
Q What did you mean by "Event"?
A It's the occurrence. For instance, if a photograph was taken, or if there was a log-in from Yahoo, on what account. It's basically an event, an occurrence.
Q And then, you have the date listed in the left-hand column all the way over. It's cut off a little bit, we'll fix that at the break so I will be able to make that bigger.
But just look at the date for the moment here. Are these dates in -- do you keep year indicates differently informant U.K.?
A It's U.K. format. It's the day first, the month second, and the year at the end.
Q So, to convert this, would be December 4, 2007?
A It would.
Q And the time. Did you also indicate use military time here?
A Yes, it's a 24-hour clock.
Q All right. Now, the fourth column where it says, "Exhibit." What's that?
A That refers to the exhibit assigned by the operations in all company the U.K. exhibit.
Q Which we now converted into what the exhibit is here in

this court.
A That's right, yes.
Q And then, "Location." What did you mean by, "Location"?
A That's the location of the exhibit as was known at the time.
Q So ICW, that was one the cyber café computers?
A Yes.
Q Now, going back to the date for one moment. Was the date that the event or log-in or photograph or whatever it was, is that the date that it occurred?
A That's correct.
Q Now, finally, we see links over on the right. What are those?
A That will allow to you view the file photograph if there is one and it will also contain file times and dates and the artifact that was shown on the media.
Q Now, you can actually look at the document itself?
A Yes, you can view the photograph, absolutely.
Q Well, I want to first start with the e-mails that you looked at in this case. Let's look at the Defendant's e-mail log-ins. Did you see log-ins on the media for the account humaonion@yahoo.com?
A I did, yes.
Q Where did you mainly see those log-ins?
A On the cyber café computers.

Q Did you see log-ins on the computer for chipyparveen@yahoo.com?
A I did, yes.
Q And where did you see the log-ins for chipyparveen?
A On the cyber café computers.
Q Did you ever see a log-in for chipyparveen at any of the other computers?
A I did not.
Q Did you ever see a log-in in for humaonion@yahoo.com on the defendant's home computer?
A I did not, no.
Q Did you ever see a log-in for chipyparveen, you said, none other than the Internet café?
A That's correct.
Q That you've never seen it on the defendant's home computer?
A That's correct, yes.
Q How about another e-mail address that is on here? abidkhattaki@yahoo?
A Yes, I found evidence of that. It's Hotmail, I believe.
Q abidkhattaki@hotmail.
Could you tell whose mail that was?
A Yes, it was Mr. Naseer's.
Q Now, where did you see log-ins for the abidkhattaki account?

A All of the media I examined on this chart.
Q Okay. Did at that include the defendant's home computer?
A It did.
Q Did it include the computer at Abercarn Close that you examined?
A It did.
Q That is GH-1 laptop?
A It was.
Q Did it include log-ins at the Liverpool address?
A It did.
Q Is that the CW computer?
A Yes.
Q How about the internet café computer, did you ever log-in on that?
A I did.
Q How about the account samebutdifferent? I believe that was at -- did you see an e-mail account?
A Yes, at Hotmail.com.
Q At hotmail.
Where did you see did you see samebutdifferent ever logging in on the defendant's home computer?
A Yes, I did.
Q What about at the Liverpool address?
A Yes.
Q Of the CW?

A It was.
Q Did you ever see it logged in at Abercarn Close in the GH computer?
A I did.
Q And what about at the Internet café?
A Again, yes.
Q Did you ever see a log-in for another -- and who, sorry, abidkhattaki@hotmail, whose address was?
A Mr. Naseer.
Q Whose address was samebutdifferent?
A Mr. Naseer again.
Q And how about an address with amfaseasons? Amfaseasons?
A Amfaseasons.
Q Where was that account? Yahoo, Hotmail?
A Yes that was at Hotmail, I believe as well.
Q Did you see that account ever logging in on the defendant's home computer?
A I believe I did.
Q And could you tell whose account that belonged to?
A No.
Q Did you ever see that account logging in at the Liverpool address?
A I would have to check, I'm not sure. I think I did.
Q Okay.
We can look at something to refresh your

recollection. We'll go back to that?
A Yes.
Q What about at the Abercarn Close? The GH computer, the laptop?
A Again, I believe I did.
Q Okay. We'll go back and look at that. We'll keep going for now.
Now, on your chart, let's just go to -- how did you distinguish if you saw a log-in from on the defendant's humaonion account, if you only saw it from Yahoo records, how did you indicate that on your chart?
A I indicated that with the exhibit reference, GX-519.
Q And if there is a log-in at humaonion, let's find an example.
Here, on December 13th, you have an e-mail sent from humaonion to sana_pakhtana@yahoo.com at GX-519?
A That's correct.
Q That's the cyber café you indicated?
A It is.
Q And does that indicate that you didn't see that actual e-mail on media?
A That's correct, I didn't, no.
Q But you saw it in Yahoo's records?
A That's correct.
Q And then the next entry we see is March, the same day,

December 3, 2008 -- see I caught myself, sorry -- at 11:51 a.m. That's approximately 20 minutes after the e-mail came in and you saw a log-on smebutdifferent. Is that the samebutdifferent?
A No. The samebutdifferent has an A between the S and the M. That appears to have been an attempted log-in.
Q And was that log-in at the --
A At the Internet -- the cyber café yes.
Q So that's something you saw there?
A It is.
Q And you have the samebutdifferent is an attempt to log-in but the person whose account that was who?
A The samebutdifferent is Mr. Naseer's.
Q Now, in addition to indicating where the accounts logged in from either where you saw it on the media or where Yahoo indicated, how did you determine if you didn't see to in the e-mails how did you determine --
MS. COHEN: I'm sorry, withdrawn.
Q Do you see the this here December 24, 2008?
A Yes.
Q Okay. And humaonion logged in to Yahoo. And there, you indicated that that's you saw that on the exhibit from Yahoo --
A That's correct, yes.
Q -- in the records.

And you there it says "U.K. 213.52." Do you see those numbers?
A I do.
Q Let's go back up here to 11/14/2008. Do you see those numbers again?
A Yes.
Q What are those?
A Those are IP addresses.
Q What's an IP address? What does IP stand for?
A Internet protocol. They actually represent the physical address of the computer that's being used.
Q So is that sort of like how you would tie a telephone number to where it came from, same idea?
A Very similar idea.
Q Were you able to convert those numbers to where actually the e-mail address was logged in from?
A Just the contrary. It was Pakistan in this case.
Q Where we're looking here --
A That's correct.
Q -- on November 14th.
Now, November 14, 2008, it says humaonion received e-mail from Yahoo. Is that the first time you saw the humaonion account referred to in this chart?
A It is.
Q And what does that tell you from that date?

A That the e-mail from Yahoo is usually an e-mail sent by Yahoo when the account is first set up, a kind of "Welcome to Yahoo" type e-mail.
Q Does that indicate that this humaonion was set up in Pakistan on November 14th of 2008?
A It does, yes.
Q All right.
And we see these log-ins here and it says "Pakistan." Does that indicate the person using, the defendant using the humaonion account at that time was in Pakistan?
A It does.
Q Let's look at -- were there times where you were able to recover specific e-mails on the media that had previously been deleted?
A There was, yes.
Q All right.
So let's go to December 14th of 2008. See at 12:18 p.m. it says e-mail received from sana_pakhtana to humaonion?
A That's correct.
Q And you see ICW-2?
A That's correct.
Q Cyber café?
A Yes.

Q Does that mean that you saw there was e-mail received on the media from the Internet café computer?
A It does.
Q And let's just click on that e-mail. It says, "Unallocated time and date on e-mail," what does that mean?
A That means that the e-mail itself is deleted. The file name and times and dates, there is no association with the file; however, the text within it does have the time and date stamped by Yahoo.
Q Okay. All right. Again, we'll fix this technical problem during the break.
A Okay.
Q So you were just saying that you could tell from examining the media that that e-mail had been deleted?
A Yes.
Q Okay. And you were able to recover it?
A That's correct.
Q And I guess, based on what we talked about before, is it is that because it apparently wasn't overwritten?
A Yeah. This particular wasn't -- parts of it was but this portion wasn't.
Q And, you know, just so we're clear, when you say "Overwritten" this was at the Internet café?
A Yes.
Q So if a user, someone, got on, if this file was deleted

and how would it be that it would be overwritten?
A Well, the file system, when a file is deleted, the file system marks it free for use. So if the next user comes along and downloads a word document the file system count pulled put that file in the same place that the e-mail used to be.
Q Okay. So this is, if you could just read this e-mail to us?
A Yes. It says, "On Sunday the 12th and the 14th, '08, Sana Khan, sana_pakhtana@yahoo.com, wrote. From: Sana Khan, sana_pakhtana@yahoo.com. Subject: Re: Sohaib here new mail. To: humaonion humaonion@yahoo.com. Date: Sunday, December 14, 2008, 12:18 p.m."
"Salaam. How are you I hope you will find we all are fine. I'm and family are fine and how is going on your study nowadays. And the weather is fine here. Nice weather here. And congratulations E day. You and your family from my side. My kind of help for us, so please tell me okay hmm. Tell me that how is your sweetie girlfriend? I miss her a lot and pay to my Salaam to her. That's all from my side. Pay my Salaam to all students. Reply me. Take care."
Q Is that the first indication or anything that you saw related to the name Sana on the media?
A I believe that to be the case.
Q All right. Going to January 20th of 2009, did you see -- January 20th of 2009 that the chipyparveen logged in to

Yahoo and it indicates ICW-2. Does that mean you saw this on the Cybernet Café?
A That's correct, yes.
Q And right before that we see log-in and it indicates GX-520?
A It does.
Q And that came from Yahoo?
A It did.
Q Then you saw the log-in your yourself on the computer?
A I did.
MR. NASEER: Objection.
THE COURT: I'll permit it.
MR. NASEER: May I have a side bar please.
THE COURT: I'm sorry.
MR. NASEER: May I have a side bar?
THE COURT: We're going to take our break now. So we'll take about a 10, 12-minute break. That will be our last break before we conclude for the day at 2:00 o'clock.
So, relax, be comfortable, and don't discuss the case.
I'm sorry. Let me do the honors.
(Jury exits courtroom at 12:35 p.m.)
THE COURT: All right, you can step down, sir, if you'd like.
(Witness leaves the witness stand.)

THE COURT: Mr. Naseer, you had something you wanted to say.

MR. NASEER: Yes. Can we have a brief side bar? Sir, I jut want to point to the question that --

MR. NEUMAN: Is the witness still here? Just wait.

THE COURT: All right. Go ahead.

MR. NASEER: I want to make a point here the question Ms. Celia asked from the witness regarding the entry that was on the 14th of December 2008. And the question that was asked from the witness was that is that the first entry that it was seen on the --

MS. COHEN: My question was: Was that the first time you saw the word the name Sana on media?

MR. NASEER: And the objection is that this name Sana does appear on the previous page where it says was the entry for the 30th of November, 2008.

THE COURT: So the witness is mistaken is what you're saying.

MR. NASEER: Yes, sir. He answered yes.

THE COURT: Then that's why we have cross-examination. You'll bring that out when you're examining.

We'll take our break. Resume at -- we're going to take a 15-minute break for the jury no longer. 15 minutes.

(A recess in the proceedings was taken.)

(Defendant enters the courtroom at 12:57 p.m.)

(A brief pause in the proceedings was held.)

COURTROOM DEPUTY: All rise.

(Jury enters courtroom at 1:00 p.m.)

THE COURT: Please be seated, folks. We have everybody but the person we need.

(Witness takes the witness stand.)

THE COURT: All right.

EXAMINATION BY
MS. COHEN:
(Continuing.)

Q Mr. Appleton, before the break, we were looking and speaking about messages that you were able to recover from the media?

A Yes.

Q Right.

And now, I jut want to turn to a new topic. I want to talk to you about chats. Can you tell the jury generally what is a chat with respect to computers and the Internet?

A A chat usually is two or more people typing messages to one another across the Internet on a computer.

Q So you can type messages to each other. Is there something else known as voice chats?

A Yes. That's the same thing but using the microphone.

Q Are you still using your computer in a voice chat?

A Yes.
Q I want to turn your attention to September 2008. And I'm just going to put my cursor here.
We see some messages from local user abidkhattaki in Yahoo chat with local user wahaburqi.
A That's correct.
Q First of all, what's a legal user name?
A The local user is the one set up to the computer. In this case, ICW-1.
Q So that local user would abidkhattaki?
A It would.
Q And that's the Defendant's e-mail that would indicate he was at the cyber café?
A It would.
Q And remote user wahaburqi, that would be mean that that person was located somewhere else?
A That's correct, yes.
Q Now, wahaburqi, did you see that name or that is that a chat I.D.?
A That's usually, with Yahoo, it's the user name is usually the part before "at Yahoo.com." So, yes, in this case I would say it would be wahaburqi probably at Yahoo.com.
Q abidkhattaki. That would have been abidkhattaki@yahoo would be the e-mail address?
A Yes.

Q And the same for wahaburqi?
A That's correct.
Q And you did you see the name wahaburqi throughout the media?
A I did.
Q And what about right below that, 9/28. You see dawertariq?
A That's correct, yes.
Q And what's that, dawertariq?
A Dawertariq, again, is a user name.
Q Do you know whose user name that was?
A That would be Tariq Rehman.
Q And, dawertariq, was that associated with different e-mails addresses?
A It was.
Q What were the different e-mail addresses?
A dawertariq@yahoo.com and dawertariq@hotmail.com.
Q And you said it was that was associated with Tariq Rehman.
A That's correct.
Q And, wahaburqi, could you tell from the media who that was?
A I couldn't, no.
Q Okay.
So let's start with September 28th here, 2008, at

1455, sorry, 1459 that's 2:59 p.m.?
A That's correct.
Q I'm sorry, I'm going to 1503. Pardon me.
A Okay.
Q 1455, that's 3:55 in the afternoon?
A 2:55.
Q 2:55, sorry. Remote user abidkhattaki and local user dawertariq?
A That's correct.
Q What does that mean?
A That means that dawertariq is set to ICW-1 in the cyber café and the remote user is abidkhattaki somewhere else.
Q So we just looked at abidkhattaki as the local user a few days earlier on September 22nd?
A That's correct.
Q And now Tariq Rehman is at the cyber café?
A He is.
Q And defendant with abidkhattaki is somewhere else?
A That's correct, yes.
Q Now, the next line down is the remote user hafeez_20_2002?
A That's correct.
Q And the local user dawertariq. What is this indicating?
A That indicates that dawertariq, again, is at the cyber café and the remote user is hafeez_20_2002.

Q During this time, 1455 to 1503, 2:00 to 3:00 o'clock in the afternoon, these individuals are all chatting at the same time?
A That's correct.
Q And then, going to the next day, on -- following day, September 29th, this indicates that the remote user abidkhattaki to the local user wahaburqi. Does that indicate once again that abidkhattaki is logging in from a remote place?
A It does.
Q The local is at Liverpool?
A It is correct, yes.
Q That means that wahaburqi was in the Liverpool CW?
A Yes.
Q Do you remember what that address was?
A 51 Cedar Grove, I believe.
Q Now, going down on this day of September 29th begins at 1456 and goes all the way down to 1530.

Can you just generally summarize what's happening on this day. Maybe it's harder. Is that easier when I highlight?
A Harder.
Q Okay. That day from 1456 to -- 2:56 to 3:30 in the afternoon, can you assume u sup rise what's happening there?
A 2:55.

Q Yes.
A On the 28th.
Q No, I'm sorry on 29th?
A 2:56, on the 29th, I'm sorry.
Q To goes from here down. I'll take it off.
A Yes. It would appear that abidkhattaki is the remote user and he's trying to attract the attention of wahaburqi who is the local in Liverpool. At the same time, he's also trying to contact dawertariq at the cyber café.
Q So abidkhattaki is remote somewhere?
A He is, yes.
Q Okay. And wahaburqi is in Liverpool at the Cedar Grove address?
A That's correct.
Q And dawertariq, Tariq Rahman, is at the cyber cafe?
A He is.
Q It indicates there is a voice conference. What does that mean?
A It does. Voice conference is the ability to connect several people together with a microphone and have a voice chat or conference as the term suggests.
Q Could you tell whether all three of these individuals were talking at the same time?
A Yes. The -- sorry, if you click on the abidkhattaki going to voice conference with local user dawertariq.

Q Yes.
A Has also joined the voice conference with local user wahaburqi. So they appeared to be in a three-way chat.
Q And we see chat that the time 1505, or 3:05, is the same for both?
A It is.
Q What does that indicate?
A It indicates they were all chatting, conversing, at the same time.
Q And just going down, this is September 29th, and I think we looked at it again, but on -- we see from September 29th, there's October 14th it says, "Remote user abidkhattaki"?
A It does.
Q And then the local user is another chat with Tariq Rahman, dawertariq?
A That's correct.
Q And, on October 14th, does that mean that dawertariq is at the Cybernet Café, cyber café?
A It does, indeed, yes.
Q And then we see October 26th, it says, "Remote user abidkhattaki and local user dawertariq," is that the same thing?
A It is.
Q Again, they're now having a chat with abidkhattaki who is remote?

A That's correct.
Q And then, going down to the next day, October 27th, at 1419, it says, "Now here the remote user abidkhattaki, the defendant, and local user wahaburqi," does that mean that wahaburqi is the local one there?
A It is, yes.
Q And was that -- and it's, again, the Cedar Grove, Liverpool address?
A It is, yes.
Q Now, on the following day, on October 28th, you see another chat between abidkhattaki and Tariq Rahman?
A That's correct.
Q Now, where is Tariq Rahman located at that point?
A It's a cyber café.
Q It says, "Remote." Is that the same thing, that abidkhattaki is chatting remotely?
A He is, yes.
Q Now, okay.
And that's the next few messages are chats messages between them. It says, "Message equals abidkhattaki@yahoo at 1838 on October 28th"?
A It does.
Q The next one says, "Message: Did you send them?" And the following one says, "Message: Okay."
A That's correct.

Q Can you tell us what that is, how do we know whose message that is?
A Yes. The remote user side of the chat is only available, not the local user. It's just the way Yahoo logs work.
Q Sorry. Were you finished. Sorry?
A It's just the way that the Yahoo logs everything only one sided.
Q All right.
So, in this case, the messages are what the defendant -- because the abidkhattaki account is sending to Tariq Rahman?
A That's correct.
Q He's asking Tariq Rahman, "Did you send them?"
A Yes.
Q But we don't see what Tariq Rehman's response is?
A No.
Q Then he says, "Okay." Then, finally, the message, "Got it, and checking them," is that once again the defendant, his remote message?
A It is, yes.
Q And then that you indicate when the chat session ends you could tell there on October 28th?
A That's correct.
Q And then the next entry is November 14, 2008.
And you did not -- that's something you did not --

did you see that on the media?
A I did not, no.
Q Why is it that you did not see that on the media?
A It could be a number of reasons. It could be that the data has been overwritten. I notice it's from Yahoo themselves. Again, it's in Pakistan, so unless I've got the computer from Pakistan then I will never, ever be able to see it.
Q Right. Okay.
So it indicates that the log-in at humaonion the defendant's account would indicate that he was logging in from Pakistan?
A That's correct.
Q And we already discussed that it actually indicates here at November 14th at 9:51 that the humaonion account is set up; is that right?
A That's correct.
Q All right.
Now, going back to this dawertariq, Tariq Rahman.
You indicated at the beginning that you also you received some media from him the pen drive?
A That's correct.
Q And did you see a photograph of Tariq Rahman before you started reviewing the media?
A I did.

Q And did you find photographs on first let's talk about the Internet café that were up of Tariq Rahman?
A I did.
Q Let's look at some of these.
How many these dates on the left-hand side you see these events were all photographs?
A They are.
Q Is that the date that the photograph was taken, or the date it was put on the computer?
A No, that's the date that the photograph was taken. That was recorded by the phone it was taken with.
Q You couldn't see some the photos. It says it's taken with a Sony Ericsson and some with Nokia N73?
A That's correct, yes.
Q How do you know that by looking at this?
A There's data embedded within the photographs called Exif data. This data records the device that was taken with the time and date whether the flash was fired and numerous other pieces of information that were of no value to me.
Q Okay. I'm going to look at them.
We see bunch of these, maybe 20 or so photographs. Were those all the photographs that you found?
A No. They were just the ones I deemed to be relevant.
Q You put a selection of the photographs?
A I did, yes.

Q And before we look at them, going down to May 19th of 2008, it says, e-mail created it hafeez_20_2002@yahoo?
A It does.
Q Is that the same user name that we saw Tariq chatting with in September 2008 that we just looked at before?
A Absolutely, yes.
Q And that was when the defendant was corresponding with Tariq Rahman from a remote access at the same time?
A Yes.
Q Now, in that e-mail, what did you, what could you tell from looking at that e-mail from May 19, 2008?
A The e-mail address would be entered into the "To" field. This was no message at all in the e-mail; however, there was an attachment of a file named "Copyofpicturesone.ra" which is 34 megabytes.
Q And were those photos on there were those the photos some of which you have here on your chart?
A They are, yes.
Q And how many in total were they?
A 61.
Q And were all 61 attached to that e-mail?
A They were.
Q And was the -- could you tell if the e-mail was ever sent?
A It wasn't sent, no. Outlook itself wasn't configured

with an e-mail account, so they could never have been sent.
Q All right.
Can you describe some of the photographs here, places.
How did you know where these photographs were taken?
A Local knowledge. I've been to all of those places.
Q So those are public places?
A They are.
Q What type of places, typically, did you see in those photographs?
A Normally, shopping malls and, of course, Manchester Cathedral which is close to the shopping mall.
Q So, specifically, what's the Trafford Center?
A That's a huge shopping mall in Manchester.
Q What is the Arndale Center which you see here?
A That's a smaller shopping mall in the city center of Manchester.
Q Surrounding the Arndale Center, are there locations surrounding the Arndale Center that also appear on in the description of these photographs?
A There are, yes.
Q What are some of those?
A Cathedral Gardens, which is just to the back of the Arndale. And Piccadilly Gardens, which is the other side of the Arndale.

Q So they're areas surrounding the Arndale Center?
A They are, yes.
Q And is that in the very center of Manchester or?
A Yes. It's right in the city center.
Q Let's take a few looks at these.
I'm going to show you the photos taken at Piccadilly Gardens.
Who is that?
A That's Tariq Rahman.
Q And this was Piccadilly Gardens right around the Arndale Center?
A Yes. The Arndale Center is probably, I would say, 500, 600 yards.
Q This indicates the Trafford Center?
A It does.
Q Who was this again?
A That's Tariq Rahman.
Q That's the large shopping center you were talking about?
A It is, yes.
Q Where is the Trafford Center located in with respect to the Arndale Center?
A That's quite a few miles away in Trafford.
Q That's a different city?
A It's still Manchester but it is quite probably five, six miles away.

Q Now, in terms of the date, this is taken on January 2, 2008, and here is another one taken January 2nd of 2008.

Where is this location?

A That's the Trafford Center, also.

Q Is that also Tariq Rahman?

A It is.

Q Did you see that Tariq Rahman was in all of the photos or just some of them?

A He was in all of them.

Q Okay.

Now, you had mentioned the Cathedral Gardens. Let's take a look at that.

Who is that again?

A It's Tariq Rahman.

Q And these are -- you had mentioned the Cathedral Gardens that was that's close to Arndale Center?

A It is, yes.

Q That's what you were referring to?

A Yes.

Q Okay.

This is now May 24, 2008, that was. And if you go down, one, two, three, four, five, six. There were six photographs on April 24th of 2008?

A That's correct.

Q All right.

And so, let's just take a look at those. Is this the same area the last one?
A It is, yes.
Q That was, again, Tariq Rahman.
And this is just another angle of the Cathedral Gardens?
A It is.
Q Again with Tariq Rahman?
A It is you can see the Ferris wheel at the back.
Q Is that the Ferris wheel right next to --
A The Arndale Center.
Q The Arndale Center, okay.
A Yes.
Q Let's back up here.
A Yes.
Q The Arndale Center is right back here?
A It's right at the side of that Ferris wheel.
Q Now, the next one is that same date but it says, "Photo of Manchester Cathedral."
A That's correct.
Q And is this Tariq Rahman?
A It is.
Q Where in respect to the cathedral is the Arndale Center? In other words, is it to the left of the photograph or to the right?

A It's to the left over the top of the cathedral.
Q How long would it cake to you get to the Arndale Center from there?
A A few minutes.
Q Let's go down to the Arndale Center, May 6th. What is this that we're looking at?
A That is the Next department store which also serves as an entrance to the Arndale Center. You can actually get in to the Arndale by going straight through the store.
Q Is that Tariq Rehman in this photograph?
A Yes.
Q What's Next?
A It's a clothes shop. Sells all sorts, really, predominantly clothes.
Q Is it a chain store or is it unique?
A No, it's a chain store.
Q Is it a big chain store in England?
A Absolutely, yes. It's all over the country.
Q And then where is that one taken?
A That's inside the Arndale.
Q And let's look at and these are all on May 6th, right?
A That's correct, yes.
Q What do we see in this next photograph?
A This is Market Street that runs along side of the Arndale Center. The entrance and exit is behind the

photographer in this case.
Q The entrance to the Arndale?
A That's correct, yes.
Q So this is another store on the other side?
A Yes, JJB Sports.
Q And who is that in the photograph?
A That's Tariq Rehman.
Q And what kind of store is JJB?
A It's a sports shop.
Q All right.
Let's look at another one of these again the same day.
What's that, Primark?
A Primark. That's another large department store U.K. wide.
Q Is that a chain?
A Yes, it's a chain, yes.
Q And, again, Tariq Rehman standing in front of it?
A It is, yes.
Q Let's just look at the same day now.
Those were all of the Arndale the same day, same day for Piccadilly Gardens. Where is that?
A That's Piccadilly Gardens in Manchester City Center.
Q Where is that in relation to the Arndale Center?
A Again, it's about probably 500 yards away.

Q And then we see there's one, two, three, four, five of these gardens.

Are these all of Tariq Rehman?

A They are, yes.

Q All right.

And the photographs that we looked at as well as the rest of the photographs that you described before those were all part in an e-mail to that e-mail address "Hafeez"?

A They were all put in an archive file, "rafiwina."

Q All right.

Now, that was in, let's see, we looked at some that were in -- it was all in 2008. Spring -- December, January, and most of the rest were in April and May of 2008?

A That's correct.

Q So let's go down to some more photographs it looks like you found.

And the date on these this is August 20, 2008. So I will just highlight for a moment you could see where I am here?

A Yes.

Q And went a little bit too far.

On August 20th, and then at the bottom, I think we see August 29th and just the last four photographs?

A That's correct.

Q That date, is that the date when these photographs are

taken or when they were loaded on?
A No, that's the date that the photographs were taken.
Q And where was it that you found these particular photographs?
A On Tariq Rehman's pen drive, AM-3.
Q All right.
Now, these all indicate that they are at the Arndale Center?
A That's correct.
Q So we just looked at some of those before. On that pen --
A That's right.
Q On that pen drive, were these the extent of the photographs or were there more?
A There were more.
Q How many more were there?
A In the hundreds.
Q All right. So let's take a look at some of these photographs.
Is this, looks inside. Where is this inside of?
A In the Arndale Center.
Q Is that Tariq Rehman?
A It is.
Q And do you know who this is?
A I have no idea.

Q Is this the same location?
A It is the same location, yes.
Q So, again, inside the Arndale Center?
A It is, yes.
Q What about this one?
A Yes, that's the Arndale Center with Tariq Rehman.
Q And this?
A Same location but unknown male.
Q Did you compare whether this is, in fact, the they look like the same individual in the other photograph?
A It does, yes.
Q And is that the same one that's before?
A It is.
Q A close-up of this other individual?
A It is.
Q Now, are we looking at the same view from inside the Arndale Center here?
A Certainly, the last four that you've just shown, yes, by the escalator.
Q And this is, again, Tariq Rehman?
A It is.
Q Is this the second floor of the Arndale Center?
A It is, yes.
Q How many floors are there in the Arndale Center?
A Just the two. The ground floor and the first floor.

Q And this is, this same photograph of that individual?
A It is.
Q Again, is this another view of the inside of the Arndale Center?
A It is.
Q And it's the Arndale in the background?
A That's right. That's correct.
Q That's that same other individual?
A Yes.
Q And it's back to Tariq Rehman?
A It is.
Q Okay. Is this still in the Arndale Center?
A It is, yes.
Q Again, another view. I think this is the first floor the Arndale Center?
A It is yes. And again.
Q Okay. Again, the Arndale Center. Is this the same other individual?
A It is yes.
Q Another photograph?
A Yes.
Q And the rest of these, I think, this is the last 12, more in 2008. And the background you can see that escalator you were talking about before?
A Yes, indeed.

Q And then, finally, on 2008 this is the last one also of Tariq Rehman?
A It is.
Q All right. Now, lets look at the last four.
So then, on August 28th, there were four more photographs you indicate they were taken in Arndale Center. This is Tariq Rehman.
What's the difference in this photograph that we are looking at here?
A It's Tariq Rehman in different clothing.
Q The same area?
A Same area, yes, it is. The Arndale Center again. And again.
Q Still inside. Is this a different location before we look --
A It is a different location than the previous ones, yes.
Q Most of them had centered around the center of it?
A Yes.
Q Where the stairs are and the escalator?
A The escalator, yes.
Q And there, this looks like sort of a restaurant that is within the Arndale Center?
A Yes.
Q Are there lots of restaurants in the Arndale Center?
A There are quite a few, yes.

Q And the last one same location?
A Same location.
Q Again Tariq Rehman?
A That's correct.
Q Okay.
Now, so, in April, just looking at this. From your review in April of 2008 back up here, April and May, and in August of 2008 those were all Tariq Rehman in the Arndale Center?
A They were, yes.
Q Although, the earlier ones had a few other areas around the Arndale Center?
A They did as well.
Q As well as the Trafford Center?
A That's correct.
Q And, just to be clear, all those photographs are taken on August 20th, nine days later. That was the same location that they had been taken?
A That's correct, yes.
Q Now moving on to -- going back to the defendant's home computer.
One of the things that you analyzed, did you ever see the defendant and his home computer logging on to the Internet?
A I did.

Q You just see it a few times. Did you see to a lot?
A It was quite a bit, yes.
Q And did you see him go to websites qiran.com?
A I did.
Q Did you see whether he had contact lists people he would contact through e-mail?
A Yes.
Q And did he have both men's women's names/contact lists?
A Names, yes.
THE COURT: Both men and women's names?
THE WITNESS: That's correct, your Honor, yes.
Q All right. I'm going to show you for identification --
MS. COHEN: I am going to publish this for the witness Government Exhibit 1103.
Q Do you recognize this exhibit, Mr. Appleton?
A I do.
Q What is this exhibit?
A This is the contact, Live contact details, of the varying e-mail addresses.
Q And e-mail addresses associated with what?
A With Mr. Naseer.
Q And these were all where were these found originally?
A Originally, on SGM-11.
Q That's on his home computer?
A Yes.

Q And is this a chart that was created?
A There is.
Q This chart?
A This is the chart, yes, that's correct.
Q And these were, just to make it clear, under each of the defendant's e-mail addresses what did you put?
A The contacts of each e-mail address.

MS. COHEN: Okay. And, your Honor, at this time, the Government offers Government Exhibit 1103 into evidence.

THE COURT: I'm just not sure I understand it.

You have, for the better part a list.

On Page 1 of 1103, you have four columns, fair to say?

THE WITNESS: That's correct, your Honor.

THE COURT: Each headed by what appears to be a e-mail address?

THE WITNESS: On the top.

THE COURT: I'm sorry.

THE WITNESS: The e-mail address at the top is the user account.

THE COURT: What's listed below it is the contact that this e-mail address made during a specified period?

THE WITNESS: That's correct, your Honor.

THE COURT: Any objection to 1103?

MR. NASEER: Objection, sir. Can I have a side bar, please?

THE COURT: Sure.

(Continued on the next page.)

(Side bar conference held on the record in the presence of the Court and counsel, out of the hearing of the jury.)

THE COURT: Yes, sir.

MR. NASEER: The Government, in the exhibit, had listed 73 e-mail addresses for the defendant which is.

THE COURT: Yes.

MR. NASEER: And, in the prior statement, there were 9-E-mail addresses. That's the first objection.

The second objection is that for the first four they have listed, the contact list, but for the three and the two other e-mail addresses are missing. They are not listed in the contact list.

THE COURT: So there are 2-E-mail addresses missing?

MR. NASEER: Missing. And for five of them their contact list is missing.

MS. COHEN: He can obviously cross-examine on that. These are the e-mail addresses, the contact lists, that the -- just to be clear, this is a continuation of the contact list on that this is everything that was found on the media he can creek.

THE COURT: It doesn't make it inadmissible. You can cross-examine him about that.

You think it's incomplete.

MR. NASEER: Yes. 2-E-mail addresses are missing.

Well asked a signed statement about the 9-E-mails addresses there are seven listed here the defendant had 9-E-mail addresses.

MS. COHEN: And that's in evidence. This is what this --

THE COURT: Found.

MS. COHEN: -- computer forensic expert -- he didn't find any traces of those e-mails but he did certainly cross-examine him on that.

THE COURT: I don't see you have a point. You can make it with the witness as you undoubtedly will but it doesn't render it in any way inadmissible.

Okay. Overruled.

(Side bar discussion concludes.)

(Continued on the next page.)

(In open court.)

THE COURT: 1103 is now in evidence of the.

(Government's Exhibit 1103 was received in evidence as of this date.)

MS. COHEN: If I could justify publish this exhibit to the jury.

(The above-referred to exhibit was published to the jury.)

EXAMINATION BY

MS. COHEN:

(Continuing.)

Q Can he we zoom in on the first.

Actually, before you zoom, sorry, let's just orient ourselves with what this is.

Mr. Appleton, at the top, we see several e-mail addresses.

A That's correct, yes.

Q Were these e-mail addresses -- how did you get these? Where were they located?

A These are from the Windows Live Messenger contacts list.

Q But these various e-mails at the top?

A Yes.

Q Were you given e-mail addresses that were associated with the defendant to do your search?

A Partly. Others we found as we went along.

Q And did you -- these e-mail addresses who did they belong to?
A Mr. Naseer.
Q And did you find are these the e-mail addresses that you found on the media?
A It is, yes, that's correct.
Q Okay.

THE COURT: Just to make clear. These e-mail addresses, you're talking about the top row that runs across the top.

MS. COHEN: Yes, let me clear for record. Thank you, your Honor.

Q Let's just read the e-mails so that we know what talking about.

Did you create a column for each e-mail?
A I did.
Q We see colors at the top. Each color represents a different e-mail address?
A It does, yes.
Q All right.

So the first one, oh, right. And you looked for this. You had indicated this before, and I think I just misspoke, you said that you found Live Media contacts on the defendant's home computer?
A That's correct.

Q So does this these contacts are they from across the media or only the defendant's home computer?
A The hotmail.com addresses are from the defendant's home computer. And the Yahoo ones are across the media.
Q So taking the first one, samebutdifferent, you can move it over in blue, that's the samebutdifferent@hotmail.com account?
A That's correct, yes.
Q And we've just basically -- was that -- that column of contacts, is that long?
A It is.
Q So it went on to three different pages?
A Yes.
Q All right.
So what wave done for ease of reference is we just put the first column is from the first page; the second column is from the second page; and the third column is from the third page.
Are these on all the contacts associated with samebutdifferent@hotmail.com?
A That's correct.
Q What are -- you have certain contacts that are in green below it. What does that represent?
A That references another e-mail account of Mr. Naseer.
Q All right.

And then you see one that looks like it's bolded babyicecreat@live.co.uk?

A Yes. That one appears, a different contacts labor.

Q Okay.

So let's look at take those pictures off. So I mean the most contacts you see are on samebutdifferent?

A That's correct, yes.

Q So now let's look at the abidkhattaki2002@hotmail.com. That was another of the defendant's account that we've already looked at today?

A That's correct.

Q That's the one he was using to chat?

A It was.

Q And, actually, that one has Abid as the first name in it?

A It does, yes.

Q Okay.

Now, those chats only go to -- that's the extent of the, sorry, the chats, the Live contact list, for that e-mail?

A That's correct.

Q So it's much shorter.

And, again, you have highlighted samebutdifferent but that just references his other account?

A It does.

Q Does at that mean because the accounts are linked why would his own e-mail account show up?

A You can link accounts, yes. But you could also send yourself a message, pick it up at a later date, and then accept the message and add it to your contacts list as well.
Q When do you usually add someone to a -- you could do that for both chats and e-mail or is that different?
A No. The chat program is what creates the Windows contacts list.
Q All right.
Under the next e-mail address, popinjay@hotmail.co.uk?
A That's correct.
Q You see only one contact with babyicecream@live.co.uk is that what you were referring under samebutdifferent?
A That's correct in bold.
Q So they had that the only?
A Yes.
Q The only contact that popinjay had, is that one that's the same that was under samebutdifferent?
A Yes, they are both in common.
Q All right.
Then, in the next column, humaonion@yahoo.com has six contacts. And these do not -- I notice they don't have the at symbol?
A No, these are -- Yahoo works differently to Windows Messenger. This is a buddy list. But it doesn't populate it

the same as the Windows Live Messenger does. So you only get the user name.
Q And where did you see these? Did you see any correspondence from humaonion with any of these?
A I did, yes. nabeelalahore.
Q Was that an e-mail?
A Yes, I believe it was an e-mail.
Q And how many times?
A Just the once.
Q And was that -- do you recall, and I can take you back to your other chart if you need to refresh your recollection, whether that -- where the just one moment, I'll give it to you:

Do you recall where the humaonion sent that e-mail from?
A From the cyber café computer.
Q Let me just show you what is in evidence just to, I think it would be easier.

Then we go if you just walk this up as Government Exhibit 1102.

Just go over a bit further if you can see the date?
A I'm mean, it's in Pakistan.
Q humaonion, nabeelalahore@yahoo are from Pakistan?
A That's correct, yes.
Q Did you ever see an e-mail between humaonion and

nabeelalahore on the media?
A No.
Q Did you ever, going back to the friend list, did you ever see any of those contacts, any correspondence, with any of these contacts at the humaonion account?
A I did not, no.
Q All right.
Now, going to the next column. chipyparveen, did you see any contacts for that?
A No. I found none whatsoever.
Q All right. And how about the next 1-A-m-f-s-e-a -- amfaseasons?
A I found none for that.
Q And finally there's a pameela7?
A I found none for that, also.
Q Okay.
Now, we were talking -- and on that, let me just go back to that 1103 for one moment.
Did you have the name Nadia on any of those Live contacts.
We could put it back up if you need to look at it.
A I think the yes, there was a nadia54, I believe.
Q 54Nadia, is that what you were referring to?
A 54nadia, yes, that's correct.
Q Did you ever see any concerns between 54nadia?

A I did not, no.
Q What about the name Fozia, did you ever see that on the contact list?
A I believe I did.
Q Fozia, F-o-z-i-a?
A Yes.
Q Why don't we walk it up and you could look if you ever saw the name Fozia in the contact list.
(Approaching)
(Handing to the witness.)
A Thank you.
(A brief pause in the proceedings was held.)
A No, there doesn't appear to be.
Q And what about Gulnaz, was there a contact for Gulnaz?
A No.
Q And besides the name Huma and humaonion, do you see a contact with someone name Huma?
A No, I don't.
Q We talked about use of the Internet on the defendant's home computer.
Did you ever see on certain days where the defendant was logged on to it his home computer and also went to the Internet café on the same day?
A I did, yes.
Q And you also indicated that besides the pen drive or

thumb drive for Tariq Rehman, you also analyzed the pen or thumb drive for the defendant?

A I did.

Q And did you ever see that thumb drive used on his home computer?

A I did.

Q Did you ever see it used at the Internet café?

A I did, yes.

Q And what about Tariq Rehman's thumb drive, did you ever see that used or inserted into the Internet café?

A I did.

Q And in your search, did you ever find any records or anything of course work, for example, a student would have?

A I didn't, no.

Q And did you ever on see any course syllabus?

A No.

Q Any class lists?

A No.

Q What about any papers written that you would do for school?

A No.

MS. COHEN: One moment.

(A brief pause in the proceedings was held.)

Q All right.

Now, you do searches for Internet searches for the

word -- for marriage licenses. Did you ever find anything like that?
A I didn't, no. Didn't find anything.
Q Do you know that there were searches done in March for marriage licenses?
A I didn't.
Q Do you know?
A I do, yes.
Q But you didn't find anything?
A I didn't find anything, no.
Q All right.

Now, I want to go back to November 23rd of 2008. We had talked about on November 14th we had talked about the log-ins to humaonion and when that was created which indicate the defendant was in Pakistan?
A Yes.
Q And we just talked about that nabeelalahore sending an e-mail out and that was November 16th.

Looking at, from your examination -- all right.

Can you tell, from looking after November 16th, there's a November 23rd and it says, "SGM-342, Kingston Pen Drive."
A That's Mr. Naseer's pen drive.
Q And it says, "Connected to," and it says "GH-1."
A That's correct.

Q And it says, "Manchester."
A Yes.
Q Is that the Abercarn Close?
A It is.
Q What can you tell from between November 16th and November 23rd?
A There's a significant gap, approximately.
Q But in terms of location?
A Location. The jumps were from Pakistan to Manchester.
Q It appears to indicate the defendant is using his pen drive now in Manchester?
A That's correct, yes.
Q And, under that, so that was at 2010, 8:10 p.m.?
A That's correct.
Q It looks four minutes later, we see six entries later, we see something called "laughterchallenge."
A That's correct.
Q Was that something you were able to recover?
A No, it wasn't. It was just a link file that tells me the file has been altered.
Q Can you tell from looking at it what type of file it was?
A Yes.
Q What type of file was?
A They are video files, with the exception of the first one, which was a folder.

Q All right.

Now, did you ever see that folder that something name laughterchallenge again on any of the media?

A I did, yes.

Q I'm going to go down to March 30th of 2009, here it indicates at 1657, 4:57 p.m., that that same pen drive that we just looked at the defendant's pen drive was first connected. And I also see that it says cyber café. So what does that indicate to you?

A That indicates that the pen drive is plugged in to ICW-10 which is one of the cyber café computers.

Q And then, the next entry you see, so that was either 4:57 p.m. was that 5:06 p.m.?

A That's correct.

Q And what you're looking at before we -- the prior entry looked like it was the pen drive was inserted but now the file is referencing the pen drive?

A It is.

Q What does that mean?

A The file, laughterchallenge.anr, was created on SGM-342 but has since been treated since that date.

Q Were you able to recover the laughterchallenge in this case?

A I was, yes.

Q And if I click here, can I play that?

A If your computer allows it, yes.
Q Let's cross our fingers.
(Audio file played in open court.)
(Audio file concludes.)
THE COURT: All right.
Q Could you tell whether this was an audio for a video?
THE COURT: You've got to be kidding.
THE WITNESS: It was audio.
Q I guess the question is, I mean, according to the metadata, was it once a video or was it?
A It was audio.
MS. COHEN: I know that was self-explanatory, your Honor, sorry about the question.
Q It was an audio, okay. And does it go on for some time?
A It does. Roughly four minutes, I believe.
Q And it plays about the same sway?
A Same way, that's correct, yes.
Q All right.
Now, going back to for one minute back to that November 23rd day when the laughterchallenge you first saw it opened on that GH-1 computer, the Abercarn Close?
A Yes.
Q And you said that it indicated that the defendant put his pen drive in that?
A That's correct.

Q And then, going back to December down to December 15th, I see GH-1 again where humaonion logged into that same computer?
A That's correct, yes.
Q And actually, above there, I see that you put in the log-in from the Yahoo records as well?
A That's correct.
Q So that's the same log-in that you saw?
A It is, yes.
Q On each one?
A Yes.
Q And you had Manchester for both of those.
So is that with respect to the Yahoo one, Manchester is that from the IP address?
A It's from the address of the one that Yahoo supplied.
Q The one on the first line with GX-519 you indicated Manchester?
A That's correct.
Q You were looking for nabeelalahore.
And in the following one, you indicate Manchester because that's where you knew the computer was located?
A It's, well, GH-1 was through Abercarn.
Q And on December 15th we see humaonion then logging in later at the cyber café; is that right?
A That's correct, yes.
Q And then back at GH-1 on -- at 2156, at 9:56 p.m., what

did you see then on GH-1?
A That web address was visited at 2156 hours.
Q That a YouTube address?
A It is, yes.
Q It says, "Watch," what does that indicate?
A Watch, question mark, indicates that the video was being -- has been watched.
Q Can you tell what video had been watched?
A Yes, the web page which titled YouTube "9/11 Faces of the Death Part One."
Q And were you able to recover that website?
A I wasn't, no, it has been deleted, I believe, by Yahoo.
Q Okay. Now, I want to turn your attention on --
A Not Yahoo, YouTube.
Q I'm going into another topic, your Honor, so I didn't know if you want?

THE COURT: Not today. We will break for the day and wish you a pleasant and restful weekend.

We'll resume at 9:30 on Monday morning. Please, again, be vigilant about any press accounts and dent discuss the case.

Have a pleasant weekend and be safe.

COURTROOM DEPUTY: All rise.

(Jury exits courtroom at 2:00 p.m.)

THE COURT: Okay. Anything before we wrap it up for the week?

MR. NEUMAN: Judge, can we just go over the schedule next week when the Government might expect.

THE COURT: Good idea. Thank you for approaching that where do we stand now.

MS. AHMAD: Your Honor, I think we are still on the same schedule that we discussed yesterday.

THE COURT: Okay.

MS. AHMAD: And so, on Monday, we'll begin with after we finish with this witness, of course, we'll call additional Greater Manchester police witnesses, one of them is Michael Selby whose testimony the defendant had requested who will talk about his exploitation of the defendant's phone.

We also intend to call Cat Greer, another GMP officer, as well as Robert Dyson and Doreen Waterton who also recovered forensic evidence in connection with this case.

After those witnesses have testified, we'll call the surveillance officers in this case which includes the MI5 officers. We've previously discussed as well two GMP surveillance officers. We think that will take us to the close of Tuesday.

THE COURT: Close of Tuesday?

MS. AHMAD: Yes.

THE COURT: You think there's a chance of resting on Tuesday afternoon?

MS. AHMAD: No, your Honor. We have additional witnesses planned for Wednesday.

THE COURT: So resting on Wednesday is a likely development.

MS. AHMAD: Wednesday or Thursday morning. I mean, certainly, I can't see us resting later than Thursday. But as between Wednesday and Thursday, I'll know better once Monday is over.

THE COURT: I understand. That should give you a pretty good idea.

MR. NEUMAN: Judge, can I ask a couple of mechanical questions concern Naseer's testimony. We do it later if you'd like.

THE COURT: Go ahead.

MR. NEUMAN: We've already discussed that I would be the one doing the questioning. I'm wondering if there is an objection and that requires a side bar, would Mr. Naseer be permitted to be present at the side bar?

THE COURT: Yes, of course.

MR. NEUMAN: Okay. At the conclusion of -- I'm going to go over, obviously, the direct examination in advance of Mr. Naseer, but I think he probably would like to have an opportunity to discuss with me the what redirect might be necessary after the cross.

THE COURT: You'll get a break.

MR. NEUMAN: Thank you.

THE COURT: Just so we're clear for the record, Mr. Naseer, this is an arrangement that the Court has agreed to as a convenience to you to allow counsel, as your advisor, to ask you the questions that you want asked so that you can driver your testimony.

MR. NASEER: I appreciate that.

THE COURT: All right. I want to make sure we were all on the same page.

Okay, folks, have a nice weekend. I'll be around. Well, I'll be on bench this afternoon. If you need me for some reason let me know. Call Ms. Mulqueen.

Step down, sir. Relax. See you Monday.

THE WITNESS: Thank you, your Honor.

(Witness leaves the witness stand.)

(Defendant exits from courtroom at 2:04 p.m.)

(WHEREUPON, this matter was adjourned to February 23, 2015 at 9:30 a.m.)

* * *

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